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THE CAMBRIDGE HISTORY OF THE BRITISH EMPIRE

VOLUME ONE

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Vol. I

THE CAMBRIDGE HISTORY OF THE BRITISH EMPIRE

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VOLUME I

THE OLD EMPIRE

FROM THE BEGINNINGS
TO 1783

DISCARDED

CAMBRIDGE
AT THE UNIVERSITY PRESS
1960

NORMANDALE STATE JUNIOR COLLEGE
9700 FRANCE AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55431

PUBLISHED BY
THE SYNDICS OF THE CAMBRIDGE UNIVERSITY PRESS
Bentley House, 200 Euston Road, London, N.W. 1
American Branch: 32 East 57th Street, New York 22, N.Y.

First Edition 1929
Reprinted 1960

First printed in England at the University Press, Cambridge
Reprinted by Spottiswoode, Ballantyne & Co. Ltd, Colchester

PREFACE

"NOTHING in the early existence of Britain indicated the greatness which she was destined to attain." So wrote Lord Macaulay in the introduction to his most famous work; and though the seed of England's later imperial power may be found in the unity, the law, the institutions, and the sea instinct, of which she became possessed in the Middle Ages, it was not until late in the fifteenth century that her oceanic expansion began. It is therefore with the Tudor period that this History opens. Out of the ambitions of that adventurous age, when men dreamed great dreams for England and set out to realise them, grew the maritime State which, shaped amid the successive conflicts of modern history, has developed in the twentieth century into the British Commonwealth of Nations. A long story of colonisation and imperial policy, of the rise and growth of new nations and the assumption of vast responsibilities, a story varied in its scene, but finding its unity in the activities of a maritime and commercial people, runs through the intervening centuries. The time has not yet come when that story can be finally written. The British Empire is still in the long process of its growth. The latest phase of its development is still too near to us, and, in its past, rich but neglected fields still offer a mine of wealth to the historical student. But in the forty-five years which have elapsed since the late Professor Sir John Seeley delivered at Cambridge his lectures on the "Expansion of England" and shed a new light on the history of the Empire, much has happened to increase public interest in a subject which to an unique degree challenges the attention of statesmen and the labours of scholars. The time has passed when the research of any one man could suffice for the varied work which a comprehensive history of the British Empire demands, and it has been deemed essential in the present undertaking to follow the plan of the *Cambridge Modern History* and to invite the co-operation of many students who are specialists in different parts of the subject. That such a method can be entirely successful with this or any other historical theme it is too much to hope. But within the limitations imposed on them by the difficulties of the co-operative method and the vastness of their subject, the Editors hope that this *History of the British Empire* will exhibit the present state of knowledge of the subject and lay a foundation on which future generations of students may build.

The work has been planned in eight volumes, of which the first three will relate the general history of British oversea expansion and imperial policy, volumes four and five the history of British India (these two volumes being edited by Professor H. H. Dodwell and also

published as part of the *Cambridge History of India*), and the remaining three the history of Canada and Newfoundland, Australia and New Zealand, and South Africa. The history of the various parts of the dependent Empire will be treated in the first three volumes in connection with the general story of the Empire's growth and policy. The volumes on the history of the Dominions are being written for the most part by scholars of the Dominions, and the Editors have had the great advantage of the co-operation, as Advisers, of Professor W. P. McC. Kennedy for the volume on Canada and Newfoundland, Professor Ernest Scott and Professor J. Hight for the volume on Australia and New Zealand, and Professor E. A. Walker for the volume on South Africa. They desire to express their very great appreciation of the assistance thus given to them, since without close touch with the historical scholarship of the Dominions these volumes could not well have been undertaken.

The present volume covers the first phase of British expansion when the centre of the outer Empire lay across the Atlantic and when only the foundations of our eastern power had been laid. In planning it the Editors have endeavoured to keep in due perspective the progress of the mainland and island communities of the west and to treat the general growth of the Empire in its relation to the conflicts of Europe. They have also paid considerable attention to commerce, always the life blood of the Empire, and to the development of its naval power and policy, so simply summarised by Halifax in his words "Look to your moate." While they trust that they have fully illustrated the stages and character of colonial growth, their principal care has been to give prominence to the main course of imperial development.

The story told in this volume describes not only a phase of British expansion, but also the origins of one of the greatest States of history. American scholars have worked indefatigably at their own history, and the Editors feel fortunate in having the assistance of Professor C. M. Andrews of Yale University in a field of colonial policy he has made his own. The lamented death of Professor Clarence W. Alvord, before he had completed the chapters he had kindly undertaken on the American Revolution, deprived the volume of the further assistance from the other side of the Atlantic for which the Editors had hoped. Their special thanks are due to Mr Cecil Headlam who, besides other contributions that he has made to the volume, also undertook these chapters in Professor Alvord's place. Another of our contributors, who was a pioneer in the study of British colonial history, the late Professor Egerton, did not live to revise the proofs of his chapter, for doing which and for much other kindly help and advice the thanks of the Editors are due to Sir Charles Lucas. Professor Egerton took the warmest interest in the whole undertaking, aided it with his counsel and contributed to it

the last of his writings. We also gratefully remember here the kindness of the late Mr C. L. Kingsford, who had promised to contribute a chapter which, unhappily, he was never able to complete.

The Bibliography is based on material supplied by contributors and has been arranged and edited by Miss Lillian M. Penson, Ph.D., Lecturer in History in Birkbeck College, University of London. The special thanks of the Editors are due to her for her labour and care in the matter, also to the contributors, especially Professor C. M. Andrews, Mr. C. Headlam, Dr H. W. V. Temperley and Dr J. A. Williamson, who have supplied the material for this part of the work. Acknowledgment is also due to the Controller of H.M. Stationery Office for the permission readily given to reproduce the extract from the Eighteenth Report of the Royal Commission on Historical Manuscripts (*Cd.* 8384) which appears on pp. 839–842. The contents of the Bibliography are shown on p. 823, and here we need only observe that it consists of a selected list of the most important sources, both documentary and published, relating to the history of the Old Empire. It is also for the most part restricted to the internal history of the Empire. Although certain aspects of British foreign policy which concern the growth of the Empire are necessarily treated in our narrative, a full bibliography of that subject would lie outside the purpose of this work. Special Bibliographies relating to the history of Canada, Australasia and South Africa will appear in the volumes devoted to the Dominions.

The Editors take this opportunity to express their thanks also to Dr Temperley for valued advice on many occasions, to Dr C. W. Previté-Orton, Editor of the *English Historical Review*, for assistance kindly given, to Mr N. H. France, Naden Student of St John's College, Cambridge, who has compiled the Index, to Mr S. C. Roberts, Secretary to the Syndics, and the Staff of the University Press for their ever ready co-operation, and to all their contributors, without whose courtesy and forbearance their task would have been even more formidable.

J. H. R.
A. P. N.
E. A. B.

8 *March*, 1929

ABBREVIATIONS OF WORKS AND SOURCES QUOTED IN THIS VOLUME

Am. H.R.	American Historical Review.
B.M. Add. MSS	Additional MSS in the MS Department of the British Museum.
B.T. Journal	Journal of the Board of Trade.
B.T.	Documents in the Board of Trade Archives (P.R.O.).
Cal. St. Pap. Col. Cal. St. Pap. Dom. Cal. St. Pap. For.	Calendars of State Papers, Colonial, Domestic, Foreign, in P.R.O., London.
Chatham MSS	MSS of Earl of Chatham and the younger Pitt in P.R.O., London.
C.J.	Journals of the House of Commons.
C.O.	Documents in the Colonial Office Archives, P.R.O., London.
E.H.R.	English Historical Review.
J.H.R. New York	Journal of House of Representatives, New York.
J.H.B. Va.	Journal of House of Burgesses, Virginia.
L.J.	Journals of the House of Lords.
N.R.S.	Publications of the Navy Records Society, London.
N.Y. Col. Doc.	Documents...Colonial History of New York, 15 vols., ed. O'Callaghan.
Pat. Roll.	Patent Rolls in P.R.O., London.
P.R.O.	H.M. Public Record Office, London.
St. Pap. Col. St. Pap. Dom. St. Pap. For.	MS Documents of State Papers, Colonial, Domestic, Foreign, in P.R.O., London.

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CHAPTER I

INTRODUCTION

"ENGLAND, on account of the natural fertility of the soil, of the great extent of the seacoast in proportion to that of the whole country, and of the many navigable rivers which run through it, and afford the conveniency of water carriage to some of the most inland parts of it, is perhaps as well fitted by nature as any large country in Europe to be the seat of foreign commerce, of manufactures for distant sale, and of all the improvements which these can occasion."[1] This was Adam Smith's guarded estimate of the natural advantages of England for foreign trade, published in the *Wealth of Nations* at the time when the old British Empire was coming to an end.

Through the centuries the world had known a variety of empires, but empires and colonisation had no necessary concern with each other. No element of colonisation, other than the forcible deportation of peoples, entered into the empires of Egypt, Assyria and Babylon. Colonisation and colonies, in the ordinary sense, began, not with empires, or with nations, which were as yet unformed, but with the city states of the Mediterranean world, with the Phoenicians and Greeks who crossed the water to establish trading stations or to found new homes. By water far more than by land colonisation went forward, and unbridged distance from the original metropolis or mother city was substituted for the more or less continuous widening out from a dominating centre which characterised the land empires of the earliest times. A further stage was reached when, centrally placed on the North African coast, the Phoenician colony of Carthage subjected the neighbouring cities and countryside, established by sea distant trading stations on the coast of North-West Africa, and went far towards creating a land empire in Spain. Carthage fell before Rome, which beginning as a city, ended as a world—the Mediterranean world. Rome made an empire of more or less well-governed dependencies, and with Roman rule was coupled Roman colonisation carried out alike by land and sea.

In the Mediterranean world the peninsulas led the islands. There was for a time one marked exception. The magnificent geographical position of Sicily attracted incomers, whose cities and their rulers rose one after another to wealth and temporary leadership; but that island, never unified under either Greek or Carthaginian, wholly failed to become the centre of a Mediterranean empire. Among the ancients the land dominated the sea; sea-fighting was hardly more

[1] Smith, Adam, *Wealth of Nations*, bk III, chap. iv.

than land-fighting on water; and an island-born empire, based on the sea alone, was beyond the mental horizon of the ancient world.

In the Middle Ages colonies and trading stations were still the work of city states, especially of the maritime republics of Genoa and Venice in the central peninsula of the Mediterranean. They traded chiefly within the eastern Mediterranean and the Black Sea, but from them came Columbus and Cabot, who brought to light the western world. The westernmost peninsula of the Mediterranean, which abutted also on the outer sea and was shared between Portugal and Spain, became, as was natural, the birthplace of oceanic discovery and of the modern history which flowed from it.

In the Middle Ages also had arisen a species of colonies on sufferance, the offspring of trade, and a notable element in European overseas history. They originated in extra-territorial rights granted at Constantinople by the Emperors of the East to bodies of traders from western Europe. These traders were permitted to form within limits small self-governing communities in the capital city of the East. Such rights were acquired by citizens of the trading-city republics of Italy, the Venetians obtaining the privileges early in the eleventh century, the Genoese towards its close. The privileges were continued after Constantinople had been taken by the Turks; they became in fact more pronounced as they were more needed, when the sovereign power from which they emanated was Muslim, and exhibited vital differences of religion, law and custom. Thus the Capitulations, of which so much has been heard, came into being and began to make history. Among the western nations the French were the first to obtain from the Porte in 1536 extra-territorial privileges, and in 1583 the English, through the medium of the Levant Company, secured similar rights and immunities. Thenceforward, within the Ottoman dominions these privileges were constantly maintained and extended, and in the nineteenth century came a successful demand for the grant of similar rights further east, notably in China.

Long before the first Capitulation was obtained by the English, colonies on sufferance had been in evidence much nearer home. They were the product of a time before the western nations had been crystallised, when amid fluid conditions alien merchants sought security and convenience for their persons and their trade by being allowed to live to a large extent on an extra-territorial basis in the city or land in which they were residents. Such was the position of the Hanse merchants in London and of the Merchant Adventurers of England at Bruges, Antwerp or Hamburg who earned the title of "the English nation beyond the sea". Bringing wealth to the cities where they sojourned, special privileges were gladly accorded to the Merchant Adventurers by the lords of those cities, and in normal times they were allowed to manage their own affairs and settle their own causes in their own way, while by royal charter their own English

king gave them self-governing rights. Companies of this kind were nurseries for the coming time. They developed the trading capacity of the Englishman and enlarged his outlook; they strengthened his instinct to be licensed but not fettered by the State; they taught him the machinery which would suit his purpose—the chartered company; they trained him in the art of self-government; and the early trading grants under which the merchants exercised their rights became, in the infancy of the overseas empire, first drafts for colonial charters of much wider scope.

With Henry VII and his dynasty we come to the immediate prelude to the Empire, and it will be well to notice what developments in the Tudor Age were essential preliminaries to the particular kind of empire which came into being. For the founding of an empire it was necessary that England should turn her back upon the continent and eschew attempts at continental dominion. These attempts had signally failed and it was inevitable that any repetition of them would fail even more disastrously, in proportion as the several nations of western Europe gathered unity and strength. English expansion was to be looked and worked for, not across the narrow sea, not on the adjoining mainland, not primarily by force of arms, assuredly not by land campaigns on continental soil, but beyond the ocean. A kindly destiny led our people to concentrate on developing their island nationhood and building up their sea power—tasks which were achieved under the Tudor sovereigns. Then, too, the Reformation greatly strengthened nationhood, cancelling any claims to spiritual overlordship from outside with the statutory declaration, "This realm of England is an Empire," and adding religious fervour to insular patriotism. Even the one reactionary Tudor queen, by losing Calais, cut England still further adrift from the mainland and to that extent strengthened the insularity of her people.

The hundred years' prelude to the Empire belonged in this island to England alone. Northern Britain took no hand in the preliminary spadework. England completed her own unification, but there was as yet no unifying of the whole island. Before the first permanent English settlement was made overseas, England and Scotland had come under one king, but they were two separate peoples still, with no love for each other, and the first century of the Empire in actual making, the seventeenth century, passed away before Scotland came into partnership. With other nations unity at home nearly always preceded expansion abroad, but the British Empire had gone on its way for a hundred years, from 1608 to 1707, before the mother island was united. From this cause it has followed, first, that neither Great Britain nor the enlargement of it which we call the British Empire has ever lost its elements of diversity, and secondly that it is chiefly from England that the methods used in making our Empire have been derived. Slow and gradual are our English processes, not parting

with what has gone before in order to build on wholly new foundations, but adapting the past to present needs, not sketching out ground plans for the future, but working day by day for what the day may bring forth. In the history of England there was no single wave of discovery and conquest combined such as carried the Spanish Empire almost to its fullest territorial extension within the first half of the sixteenth century. There was instead an age of exploration and knight errantry prior to and quite distinct from the age of settlement. Of the knights errant of the sixteenth century Drake annexed the Californian coast for Queen Elizabeth, Gilbert declared English sovereignty over Newfoundland, and Raleigh's attempts at colonisation gave birth to the name Virginia. But permanent settlement beyond the Atlantic had to wait for a more prosaic time when the combined resources of many individuals might be directed to a single object by means of a chartered company. At the very end of the century of beginnings, 31 December 1600, the greatest of all English Companies, the East India Company, was incorporated by Queen Elizabeth, and England entered consistently on the course of empire-building in which since then she has never faltered.

"The settlement of our colonies was never pursued upon any regular plan; but they were formed, grew, and flourished as accidents, the nature of the climate, or the dispositions of private men, happened to operate."[1] From the first the main feature of the British Empire was diversity. Nevertheless there was a certain amount of uniformity in the method of colonising, for the licensed company was the favourite English agency for colonisation as well as for trade. This was natural, for from the beginning, with the notable exception of the Puritan colonies, outward expansion was initiated and promoted chiefly with a view to returns in the form of trade. In India the trade motive was entirely dominant, and along the African coast only a few scattered forts and factories were set up to carry on the slave trade. The real course of empire for Englishmen in the seventeenth century flowed westward. Beyond the western ocean were the colonies, the new homes, New England and—in name though not in fact—New Scotland—Nova Scotia. Nor were the new homes to be found only on the mainland of North America or in Newfoundland. The tropical heat of the West Indian islands did not prevent them from becoming abiding places for the British race, real plantations of Britons, as witness the thousands of resident white citizens of Barbados in the middle of the seventeenth century. Even in the eighteenth century, down to the time when the old thirteen colonies parted company with the motherland, for fully 170 years of its existence the British Empire was to an overwhelming extent a western empire, rooted and grounded in North America and the West Indies.

[1] [Burke, Edmund], *An Account of the European Settlements in America* (London, 1757). Pt VII, chap. XX.

It was a most one-sided empire—a distinct source of weakness. Moreover it was an empire in which almost from the first centrifugal forces were exceptionally strong. It is true that the initial emigration to Virginia was sped on its way with acclamation and goodwill, and that relief of distress and the desire for trade were in the background of the venture, not political or religious dissent of any kind. But the century was not far advanced before discord began to make itself felt. Into the making of the Empire there entered a strain of antagonism to political and religious authority as exercised at home, and into the minds of quiet men a longing to flee away, to be rid of the strife, the bitterness and confusion. The motive to be quit of the government of England rather than any desire to widen her territory or expand her power became for many years the driving force of English colonisation. New England was planted with this feeling of aloofness, and Barbados, where the King's men found refuge, reproduced in inverted fashion the Civil War of the mother island. From the accession of Charles I until the Revolution of 1688 there were incessant cross-currents in the British Isles unsettling men's minds or bringing them to ruin so that they were ready to flee across the ocean to better themselves. Every change of government brought its own crop of exiles. The fierce fighting of the Civil War in England, the savage sequel to Monmouth's rising, the endless hostilities and punitive expeditions in Scotland and Ireland—all sent fugitives overseas. The youth of the Empire was cradled in change and revolution, and constant uncertainty as to what authority should be obeyed had the inevitable result that any authority exercised from home was more or less suspect. While systematic control would probably under no circumstances have been either established or tolerated by the colonists, under the conditions of the seventeenth century it was out of the question.

To the right appreciation of the Empire a clear understanding of its first century is essential. An island people had after many generations been brought to recognise by costly experience that expansion for them, if they meant to expand at all, was not to be on the neighbouring continent. Instinctively and by force of circumstances they developed their island nationhood and their sea power. They did it gradually and therefore did it well. They went far afield on the waters, and on the waters they secured their existence and found their profit, withstanding, as they have withstood ever since, any Power which for the time being threatened to dominate the world. Their wars, their trading ventures and piracies, profitable all, familiarised them with distance as a necessary ingredient in English expansion. If they were to have oversea possessions at all, other than Ireland, these must be at a distance from the mother country, not closely linked to her or under her immediate eye. To this physical difficulty the seventeenth century added moral difficulties arising out of a veritable kaleidoscope of political and religious changes, which when transferred from the

centre to the circumference produced confusion and impatience of control. The seventeenth century shaped and coloured the old Empire. By the encouragement which it had given to, or rather by the necessity which its dissensions had created for, the self-dependence of the parts, by its preference for diversity over uniformity, it was ultimately responsible for bringing the old Empire to its grave. But from that grave emerged a new and greater commonwealth still instinct with the diversity which was the hall-mark of the seventeenth century.

That century was a great time for human plantation, a time when the English race was reproduced in the New World. But plantation did not exhaust English activities overseas. Trade must not be ignored in reckoning up the account of the seventeenth century, and when at length, in 1696, an agency with some element of permanence for advising on colonial matters was created in the Board of Trade and Plantations, trade came in front of Plantations. In the sixteenth century the chief foreign menace to England had come from Spain. In the eighteenth century it came from France. Throughout a large part of the seventeenth century the main source of danger was Holland. England and the Netherlands were built on the same lines. Both of them drew their sustenance from foreign trade and lived by the sea. "The republic was sea-born and sea-sustained", writes Motley of the United Netherlands, and sea-born and sea-sustained were the strength and life of England. At the close of their long and successful fight with Spain the Netherlanders had risen to an abnormal height of power and prosperity, and had almost monopolised the carrying trade of the world. Against them was directed in 1651 the first general Navigation Act, which was upheld in war and the provisions of which were greatly extended immediately after the Restoration. The primary object of the Navigation Laws was the maintenance and development of British sea power and, as vital to British sea power, the breaking down of the Dutch monopoly of the carrying trade. But, starting with this object, these laws embodied the one attempt at a policy which aimed at treating the whole Empire as a single unit. They created the "mercantile system" and through them more than in any other way home control was continuously, though most imperfectly, exercised over the colonies. Thus trade led the Plantations. In the East, where there were no Plantations in the wider sense, trade surely though very slowly carried the English on to empire, and before the century ended the East India Company began to contemplate the necessity of a limited territorial expansion. In this age, whether in trade or Plantations, whether in East or West, it was almost always private citizens or groups of private citizens that worked out British expansion. English companies were at once weaker and stronger than Dutch. The Dutch concentrated on the Netherlands East India and the Netherlands West India Companies, which could hardly be distinguished from Government agencies. While the

strength of the Dutch nation was unimpaired these two companies were immensely strong; but, whereas no such wholehearted support by their Government was given to English companies, their fortunes were not to the same extent as the fortunes of their Dutch competitors bound up with those of the State. This was a great asset in a century when English Governments seemed but a series of dissolving views. It was no doubt impossible for companies, whose directors were leading Englishmen domiciled in England, to be kept outside politics, but in so far as they were associations of private citizens for trading or colonising purposes, licensed but as a rule not subsidised by or in any way dependent on the State, they did not rise or fall with this Government or that but in their particular calling carried on continuously beyond the seas the work of an undivided England. Charles II's reign was fruitful of companies. In 1670 was chartered the Hudson's Bay Company, which next to the East India Company has filled the largest space in our history. Shaftesbury and his partners were responsible for the planting of the Carolinas. The Duke of York, afterwards King James II, was a leading member of the African companies formed to prosecute the slave trade, which with the rest of the carrying trade had been previously in the hands of the Dutch. It was always the same story. The Crown gave patents to individual proprietors or to syndicates of private citizens, and derived its benefit indirectly from the increased flow of imports and exports if the ventures succeeded.

In all the three full centuries of the life of the British Empire the 'eighties have been most crucial decades. The Revolution of 1688 made the Netherlands an ally and made France, the friend of the exiled Stuarts, an enemy. From this date onward for many generations France and Great Britain competed for leadership beyond the seas. As far as the British colonies were concerned, the Revolution had another and most far-reaching effect. The monarchy was placed once for all on a constitutional basis and the powers of Parliament were recognised beyond question. The liberties of the home country were thereby safeguarded, but the change involved parliamentary interference with the liberties of the colonies.

The seventeenth century made way for the eighteenth with the opening of the first great war that was almost as important in the colonial as in the European sphere. Marlborough's victories brought, under the terms of the Treaty of Utrecht, great gains to the English in America. But, over the seas, co-operation with the North American colonists had been most ineffective. Little was done under their eyes which was calculated to impress them in any way with the might of England.

Though, while Walpole was in power, Great Britain enjoyed a markedly long interval of peace, or rather of abstention from formal war, the eighteenth century stands out in the history of the Empire as

first and foremost a century of great wars and, as the result of great wars, of gains and losses on a large scale. The elements which the preceding century contributed to the childhood of the Empire were all or nearly all growing in potency. Trade, Plantations, immense preponderance of the West, distance, diversity, self-dependence and self-assertion of the diverse constituent parts, all were formative factors of prime importance. To them were now added force and direct action by the State to an extent unknown in the previous hundred years, and the result of the interaction of all these influences was the dissolution of the existing Empire. In the 'eighties, after the collapse, there was a new beginning of peaceful expansion and then the century ended, as it had begun, in war. Its first years had been years of present success and of much promise for the future. They had seen Marlborough's triumphs in the War of the Spanish Succession and a British footing in the Mediterranean gained by the taking of Gibraltar and Minorca; parliamentary union with Scotland, indispensable for the Empire, had been achieved; and British progress in India had been assured by amalgamation of the two rival East India Companies. The outlook was fair when the Treaty of Utrecht was signed in 1713. What were the main features of the next seventy years until the Treaty of Versailles in 1783 put its seal on the downfall of the old Empire?

France was the foreign Power which Great Britain had most to fear. The Dutch dropped out of the front rank of competitors, and, at all points beyond the seas, Franco-British competition made history. But in the list of nations whose courses intersected that of Great Britain, Spain, far behind France as a direct source of real danger, was in some respects in front of her as a perpetual source of irritation and collision. The Spanish oversea dominions were immense, still more immense were Spanish claims. In great wars, down to 1783, Spain, for the most part following the lead of France, was almost invariably ranged against Great Britain; and outside great wars there was continuous friction between the citizens of the two nations and constant fighting even when there was no recognised war. The construction of the terms of the Asiento or contract for supplying slaves to the Spanish Indies, transferred from France to Great Britain by the Treaty of Utrecht, was a fruitful source of trouble; the woodcutters and squatters in what is now British Honduras occasioned a dispute which lasted through the whole century; the Falkland Islands brought the two Powers to the verge of war; as did also in 1790 Nootka Sound in Vancouver Island. If the British North American colonies on their northern and western sides were solely concerned with France, in the south they were very much concerned with Spain. Here the youngest of them, Oglethorpe's colony of Georgia, was not solely a philanthropic venture but also an important British outpost against the Spaniards in Florida. In the Mediterranean there were

acute irritants to Spain in the British tenure of Gibraltar and Minorca, uninterrupted in the case of Gibraltar, intermittent in the case of Minorca. In the relations between Spain and Great Britain the eighteenth century resembled the sixteenth rather than the seventeenth, but a stronger Britain was pitted against a weaker Spain.

Against both Spain and France the mid-century foreign war, the Seven Years' War, was for Great Britain triumphantly successful. The old Empire rose to its topmost height immediately before it was broken in pieces by civil and foreign war combined. What brought it to its height was sea power. At the end of the War of the Spanish Succession Great Britain was easily first on the sea, and the first place thenceforward she never lost except in the years 1778–81, when the temporary loss of command produced decisive effects on the struggle in America. But Rodney's victory saved her when the old Empire crumbled and fell, and great were the sailors whose names crowd the first chapter of the new Empire, for the new Empire, like the old, was born of the sea.

There was no longer any question of a Dutch monopoly of the carrying trade, and British shipping had outgrown the need for the forcing process of the Navigation Acts. The sole object of these Acts was now to ensure to the market of the mother country a monopoly of the Empire's trade. From the point of view of statesmen, merchants and manufacturers in Great Britain in the eighteenth century not only did trade go in front of Plantations, but Plantations were interpreted in terms of trade. This was not the view of the Plantations themselves. To them the Navigation Laws became in a growing degree a practical nuisance, only to be tolerated in so far as they could be evaded, and, as the Plantations themselves grew, these laws appeared to be, in Adam Smith's words, "impertinent badges of slavery". It may well be contended that the mercantile system was beneficial in the childhood of the Empire; and at a later date it did little harm to those oversea provinces whose products did not compete with the home-grown products of Great Britain. But where, as in New England, climate and soil promised, in the absence of artificial restrictions, competition with the Old Country, and where the human stock had been from the first nurtured on extreme ideas of freedom, there it was inevitable that trade, as the mother country construed trade, and Plantations, as they construed themselves, would sooner or later collide, and that Plantations, having nature on their side, would prevail.

For at any rate three-quarters of the eighteenth century trade dictated the policy of the British Empire, yet the century was not marked by any large growth of new trading companies. The South Sea Company was a child of the century, but otherwise the companies which helped to make the history of these years were in the main enlarged versions of the old companies. With the East India Company,

trade led on to territorial dominion, territorial dominion to manifold abuses, and territorial dominion and manifold abuses conduced to constantly growing State supervision. The rise of the East was a leading feature of the century, especially after the preponderance of the West had disappeared with the loss of the United States. In the East was illustrated the strength and the danger of the company system as an agency for making an empire. In the West Indies were illustrated both the strength and the danger of a moneyed interest, and the tyranny that can be exercised by a much-prized commodity when its production is a strongly entrenched monopoly. The eighteenth century saw the reign of sugar; the reign of cotton was yet to come.

Though, as the century grew older, the riches which flowed from India into Britain grew rapidly in volume, yet almost to the end the West Indies bulked larger as a source of wealth and of the political and social influence which is derived from wealth. The West Indies fitted admirably into the mercantile system. Here were no competing colonies and products to arouse the apprehension of home growers and merchants. Sugar demanded slavery and the slave trade, and the powerful cities and classes concerned with this carrying trade were solidly behind the West Indian planters and merchants. The richest planters spent much of their time in England with ample means to pull the strings of State. Rarely has any interest gathered to itself so much power linked to so much that was odious and indefensible. It seems strange that such an enormity as the slave trade should have survived the century. Towards its close, after the old Empire had gone by the board, the voice of humanity became insistent, and even in the earlier years the call of the spirit was not unknown, as witness the story of the founding of Georgia; but in the main, as long as the old Empire lasted, the eighteenth century, though it was John Wesley's century, was a material age. Before 1783 the capacity for rule, which is among the Englishman's best qualities, had not been developed, and the sense of trusteeship for coloured races had hardly been aroused, save in the minds and consciences of exceptional men.

Much history was crowded into the 'eighties of the eighteenth century. With the recognition of the independence of the United States, the West, though still prominent in what remained of the Empire, was once for all dethroned from its inordinately high estate and men turned from a narrow commercial view of imperial policy to a wider outlook. No prospect of material gain guided the steps of the United Empire Loyalists into Upper Canada and the Maritime Provinces. The settlement at Sierra Leone testified to growing British feeling in favour of freedom for the negro, and no force entered into the acquisition of the territory. It was peaceably acquired by purchase from its native owner. Peaceably acquired, too, leased in perpetuity

by its native sultan to the East India Company, was the island of Penang, a nucleus of what was to be in the twentieth century a noble province of the Empire. Peaceably acquired, once more, was Australia, where the first white settlement was planted on the shores of Sydney Harbour, not typical of the eighteenth century in being peaceably acquired, but typical of it in being directly acquired by the State. Meanwhile, as against the fatal collapse in the West, in India, at the darkest time, Warren Hastings ceded not a foot of ground to Britain's enemies. Yet before these memorable ten years were ended the saviour of India and the friend of the Indian peasantry had been brought to trial in Westminster Hall; and the fact of the trial, however much the proceedings should be condemned, testified, as did the founding of Sierra Leone, that a new spirit of humanity was abroad in the land. The old Empire ended its days in 1783. Before 1790 it was clear that on the old foundations or what was left of them a new Empire was about to rise, more widely spread and therefore better balanced than the Empire of the past, on the way to part with the evil inheritance of slavery, and more responsive to the call of religion and philanthropy than had been the powerful but ill-assorted aggregate of peoples and interests which constituted the old Empire.

The passing of the Act of 1791, whereby representative institutions were granted to Canada, proved that regard for political freedom did not leave the Empire when the old North American colonies left it; but the excesses of the French Revolution which speedily followed did not incline British minds to extension of democracy. Then came year after year of war with France, British possessions increased in number, diversities were multiplied. On the other hand, the outcome of over twenty years of almost continuous war was for the time being an empire organised and administered as though war were its normal condition; every colony was garrisoned, every colonial governor was a soldier. Yet in the midst of war the new age was on its way. The slave trade was abolished, the end of slavery came in sight, and the end too of the unhealthy domination of the sugar interest, further threatened as it was by the development of the beet sugar industry on the continent of Europe. The last years of the eighteenth century handed on to the nineteenth a great awakening of Protestant missionary enterprise, which went hand in hand with the crusade against slavery, and henceforward the missionary was a potent factor in the Empire, more especially in Africa and the Pacific. Side by side with the new spiritual forces scientific discovery was recasting the world. James Watt lived until 1819, at which date George Stephenson was verging on forty; and the 112 years from Watt's birth in 1736 to Stephenson's death in 1848 covered the time when steam and telegraphy triumphed, when new machinery for spinning and weaving made cotton rise as sugar declined, when Great Britain became a land of cities and factories, and when progressive diminution of

distance made the problems of the Empire fluid to an extent unknown in former times.

In estimating what distance has meant to the Empire, whether it has been a difficulty and impediment, or, as in Adam Smith's opinion and in his words, an alleviation of the effect of dependence, the case of Ireland gives food for thought. The union with Great Britain was carried, as the union with Scotland had been carried nearly a hundred years before, in the midst of war with France, but carried by doubtful means and not followed by Catholic Emancipation for many years. However the story may be told and accounted for, there is the plain fact to mark and digest that Ireland had been for centuries a dependency of England, an overseas dependency near at hand; but that proximity in no way tended to better relations between the two countries. On the contrary, it may well be contended that distance would have been in this as in other cases an alleviation of dependence, and that in later and more liberal times the principal outcome of proximity was mischievous vacillation between treating Ireland as a separate unit and treating it as an integral part of the United Kingdom.

India, like Ireland, holds a special place in the study of the Empire, and in connection with the years which followed Waterloo its influence may be traced very specially in two respects. While peace at length returned to Europe, some part or other of India remained constantly at war. Here, therefore, the sword was never allowed to rust. Here were highly trained armies ready to take the field and frequently in action. Here military experience was to be gained, and danger bred responsible leaders of armed men. Even more important has India been as a school for administrators. Perpetually widening areas, with endless diversities of race, custom and creed, were brought under British control; the trading Company which ruled India was gradually divorced from trade and confined to administration; and in the work of administration it was more and more closely supervised by the Government. Conscious of such supervision, adequately paid and no longer eking out small salaries by illicit pickings, appraised and promoted or the reverse on their work as administrators, tested by the well-being of those committed to their charge, the members of the Indian Civil Service found an unrivalled field for the exercise of the worthiest British qualities, initiative, capacity for making the best of the means to hand, uprightness, sense of justice and love of fair play. A very noble record has been that of the Civil Service in India, and from India the training and the tradition has gone forth into all the dependent provinces of the Empire.

The modern history of the British Empire may be taken to begin from Waterloo. The age of Franco-British wars then came to an end, happily for the two neighbour nations, and happily too there has been ever since unbroken peace with the United States. The

expansion of the Empire in the nineteenth century was phenomenal, but there is space to refer only to some of the main features. Much misery followed the return of peace. Apart from the inevitable aftermath of prolonged war, the substitution of machinery and factories for handwork and homework caused for the time bitter distress, which led to rioting and repression, while emigration began on a large scale. But it was not in reality a reactionary time. Canning stood for progress and enlightenment, Huskisson guided the country far on the road to free trade, the Duke of Wellington's Government carried Catholic Emancipation. In truth Great Britain has had little cause to complain of the succession of eras in her modern history. If wars can ever be other than an evil to the peoples involved in them, the long war in which Great Britain stood sturdily out against Napoleon, and in which "crowning mercies" attended her arms on sea and land, was assuredly of immense value as a set-off against the American catastrophe which had seemed at the time to mark the decline and fall of the British Empire. Great Britain was thereby reinstated both morally and materially in the forefront of the world. If, again, such a fundamental change as the Reform Bill had been attempted shortly after Waterloo, before time had been given for the return of comparatively normal conditions, it might well have done more harm than good. Coming in due time it was completely successful and became the fruitful parent of other reforms, including immediately the abolition of slavery. Then two or three years later came another most opportune era. Just at the time when the newly enfranchised middle classes of Great Britain had drunk deep of reform, when little cause had been given for attachment to or reverence for the Crown, the succession devolved on a young girl of spotless home life, who, if only by contrast to much that had gone before, attached to the throne the chivalry of her people, and whose mind was from the first attuned to the political aspirations of the new age. During more than sixty years Queen Victoria reigned, and, as the years went on, the sovereign became more and more to the peoples of the Empire which had grown up under her rule, the personal embodiment of imperial unity.

In a reign of many wars it was not to war, but strongly to peace, that the temper of the time inclined; and the interests of Great Britain, the interests of the trading middle classes, called for peace. By the Reform Act the middle classes achieved political freedom and entered on the path of political dominance. Adam Smith noted that commerce and manufactures had, when he wrote, been advancing more rapidly in England than agriculture, but he still placed England in the category of landed nations as opposed to purely mercantile states. But now commerce was becoming all in all. The trader is at best a calculating patriot. The British trader's mother country is an island, in Queen Victoria's reign secure and fully conscious of security, in the

charge of admittedly the strongest fleet in the world. That strength, it was forgotten, had been built up by the Navigation Acts, now being finally swept away. The mineral resources of the island, through modern inventiveness and research, were for the first time being fully developed and applied. Geographical position, climate—for cotton the moist Lancashire climate—the various natural advantages of the island, were now enjoyed in a time in which all those advantages would be multiplied a hundred-fold if only nature were not hindered by man. Peace was demanded from the Government and the removal of artificial restrictions. It was a demand based on consciousness of strength. In all directions the tide set in favour of unlimited freedom, of antagonism to Government interference, of curtailment of Government expenditure. There was to be economic as well as political freedom; humanity combined with interest to abolish the Corn Laws; it became an axiom that there should be no customs duties except for revenue purposes, and a sinister meaning was attached to the word "protection". Self-governing institutions and fiscal freedom were granted to the colonies, which were called upon to provide for their own land defence, and advanced thinkers or politicians of the free-trade school, regarding colonies as expensive encumbrances and as no better customers of the mother country than if they were foreign countries, looked with equanimity to the probability of their severance from Great Britain. This was the revised version of "trade and Plantations". Never, in the palmiest days of the mercantile system, was the trade outlook on the colonies more predominant in Great Britain than when the Manchester school was at the height of its power. Trade did not so much lead Plantations as threaten to elbow Plantations out altogether. They had caused much expense, they would inevitably cause more expense; for trade purposes they would be as valuable outside the Empire as inside; if occasion offered let them go. So argued the Manchester school.

But the Manchester school had not the whole field to itself. Lord Durham and his group, as democratically minded as their contemporaries of the Anti-Corn Law League, had their eyes on Plantations rather than trade, and they saw in the grant of free institutions to the colonies not a first step towards getting rid of them, but the one and only means of keeping them within the Empire. The first full recognition of responsible government for the colonies in the test case of Canada exactly coincided with the repeal of the last Navigation Laws by an Act of 1849; the colonies obtained or were obtaining what they wanted, the mother country had what she or the classes who claimed to speak for her wanted, the ground seemed to be cleared for amicable parting, but the parting has not come, and the result has been the development of a commonwealth of nations miscalled an empire, the most illogical human structure that the world has seen and very nearly the strongest.

Before they received full freedom, the colonies, like the colonies of the old Empire, were by no means wanting in self-assertion. Transportation was discontinued owing to the opposition offered in Australia and at the Cape of Good Hope. In Canada, before the so-called "Rebellion" of 1837 which called forth Lord Durham's mission, colonial resistance, intensified by the race feeling of French Canadians, had produced a complete impasse in the Lower Province. After self-government had been conceded to the colonies and the right to frame their own tariffs and pass their own laws, it was somewhat disconcerting to free traders to find that they favoured protection rather than free trade, and protection even against the mother country herself. Assuredly they were minded to go their own way, but on the whole they were not minded to travel outside the Empire; instead they remained within and reacted on the mother country and the Empire.

Reference to parliamentary papers and debates in the 'fifties and 'sixties of the nineteenth century will show how slow and gradual was the process of clearly distinguishing between colonies and dependencies. In a parliamentary return of 1859, Canada and the West Indies are grouped with Ceylon and the West Coast of Africa under the heading "Plantations and Settlements". What seems to us an obvious difference was not so obvious sixty or seventy years ago, and the reason was that as a matter of fact the difference did not exist in the same degree. The problem of the Empire was a fluid problem. There was more at work than normal increase in the area of cultivation and normal multiplying of numbers. The forces of science were beginning to join great territories to one another, to make small units into large, the future nations of the Empire. By the mere grant of self-government colonies did not cease to be dependencies so long as they were small. The two linked Canadian provinces ran their self-governing career and proudly claimed to settle their own tariffs in their own interest, without regard to the interest of the mother country; but at the same time the mother country was left mainly responsible for the defence bill of Canada. There was a world of difference between the disconnected self-governing communities on Canadian soil prior to the British North America Act of 1867, and the State created by that Act when in 1885 the Canadian Pacific Railway had been completed. The Dominion of Canada was not made by an ordinary process of expanding and magnifying; it was a new creation, which had surmounted natural barriers and conquered mountains and deserts, a creation of the railway engineer. In course of time other similar new creations were brought to birth and became the Dominions of to-day.

The territories of the Hudson's Bay Company were bought in 1869 by what was still only the nucleus of the Dominion of Canada, though for purposes of trade the Company still flourishes to-day. The East India Company, on the other hand, passed out of existence when,

after the Mutiny, the Government of India was taken over by the Crown. It seemed that, as a British agency for making an empire, the chartered company had had its day, seeing that, according to the doctrines of the Manchester school, with which the inclinations of the British Government were for many years in accord, further imperial expansion was to be deprecated. But by the year 1880 the Manchester school had spent its force and a counter-current was setting in, to which the self-governing colonies contributed. They resented the apparent indifference of the governing classes in the mother country as to whether their fellow-citizens overseas remained fellow-citizens or not, and they rejected the cold-blooded economic doctrines which had taken root in Great Britain. With the 'eighties of the nineteenth century came a new phase in the evolution of the Empire, expansion on an immense scale was forced upon reluctant British Governments, and once more there was a revised version of "trade and Plantations".

It has been seen that Africa was one of the main fields into which the stream of evangelical missionary enthusiasm poured in the latest years of the eighteenth and in the nineteenth century. One of these missionaries, a Scotsman, David Livingstone, was first and foremost in the final opening up of Africa. So soon as the main geographical features of the continent had been determined, the "scramble for Africa" followed, and the results of the exploitation by European peoples of the vast areas which had been brought to light were on their worse as on their better side reminiscent of what had followed the discovery of America. For good and evil a new chapter was begun in the history of the world; down to the Great War that history largely centred in Africa, and to the remoter causes of the war Africa substantially contributed. From 1880 onward for more than a generation Africa markedly dominated the history of the British Empire. Egypt and the Sudan, South Africa, West, East, Central Africa, all crowded into the story; old features and forces reappeared in somewhat different setting and combined with new features and new forces to produce a new and greatly enlarged edition of the Empire. The trader and the missionary side by side led a forward movement. Traders, apprehensive of being excluded by rival Powers wholly innocent of free-trade leanings and intent on backing their own citizens, betook themselves to their old weapon, the chartered company. Missionaries, apprehensive for the future of mission work in debatable territories, such as Nyassaland and Uganda, pressed for and eventually secured their inclusion in the Empire. Plantations followed where trade and missions led the way. Already in South Africa Empire statesmen were, as they still are, faced with the supremely difficult problem of European colonisation in the midst of outnumbering native races. Rhodesia has presented the same problem, and in Rhodesia, as in Kenya, there is the further problem as to how far for the purposes of permanent European settlement altitude can countervail the effects

of tropical heat. The trader and the trading company, the missionary, the coloniser and colonist were all to the fore. The railway engineer was active everywhere, linking up territories and creating larger units, in South Africa, in East Africa, in Nigeria.

The older settlements were increasingly important, especially Australia. Between 1880 and 1885 Australians protested in no measured terms against the failure of the Home Government to forestall German annexation in the Pacific and almost at the very same time they sent, as a free-will offering, a contingent to serve on the Red Sea coast of the Sudan after the fall of Khartum. Not only were they determined not to leave the Empire, they were as resolved to claim and earn the right to have a voice in directing it, and time was on their side, bringing with it increase in population and larger units. Their great distance from the mother country had especially influenced the colonies of the Pacific. It had made them self-dependent and independent in a high degree; on the other hand, inasmuch as they were all-British peoples, it had added strength to the instinct of race and clearness to the call of the Old Country. The year 1887 saw the beginning of Empire gatherings to discuss common problems and needs. The meetings developed gradually in British fashion, especially after the South African War had given occasion for the employment on a considerable scale of oversea contingents side by side with the regular forces of the Crown. Active participation in an Empire war by the self-governing units of the Empire meant active partnership in the Empire, together with growing recognition of that partnership and of the nationhood and the individuality of the separate parts.

By the side of the self-governing Dominions, in the dependent provinces of the tropics, experience and modern reasoning had long been suggesting the wisdom and humanity of indirect as compared with direct control, of governing or guiding through the human machinery indigenous to the soil, adapted and progressively improved, in preference to supplanting native laws, customs and methods by alien British institutions. It is very largely on these lines that Great Britain has been carrying out her part as trustee of native races. In India direct and indirect control have been conjointly in operation; but in British India, which has been the scene of direct British control, self-government, which is the negation of control from without, has now been definitely declared to be the goal. This was an outcome of the Great War, the full results of which are still in the future. The war provided a wonderful demonstration of the strength and endurance of the Empire, of its unity amid and in consequence of its many diversities. On the other hand, it applied a hothouse process to movements and tendencies which were working out their own salvation in the slow and sure characteristically British way, and this must be counted a possible source of danger, for not by haste will the commonwealth stand.

What is the conclusion of the whole matter? What is the thread, if any, running through a story which has contradicted all logic and perpetually falsified reasoned and reasonable expectation? To the present writer the answer seems to be that the Empire or commonwealth has not been made, it has grown; that it is the product of an island in which there has never been complete fusion; that it is the product of distance; and finally the product of evolution on family lines.

The study of what might have been is sometimes attractive, though rarely of any practical usefulness. If the British Empire is the outcome of natural growth, the question of what would have happened to Great Britain and its people or peoples if there had been no Empire is answered at once; the case would have been that of a child not allowed to grow up, of life abnormally stunted. But, it may be asked, can this general statement be supplemented? Is it possible to indicate in what specific ways, if any, and to what extent the Empire has reacted on the mother island? In answer it would perhaps be true to say that the Empire has reacted on Great Britain and its inhabitants more by increasing its size than by changing its character, which after all is no more than a restatement of the cardinal fact that the Empire has been a growth. Without the Empire the island, too large and well-populated to be conquered, would doubtless have retained its independence, would have developed a strong navy, would have exploited its mineral wealth and built great cities. The attitude of Great Britain towards free trade does not seem to have been affected one way or the other by consciousness of possessing an Empire which might in the coming time be self-sufficing. The strongest free-traders were the most antagonistic to the Empire, and obviously without the Empire free trade would have been very much more necessary to the islanders than it has been with it. Apart from this matter of free trade, what the island bred and taught the Empire went on breeding and teaching on a constantly widening scale. What Great Britain was before the Empire came to pass, it was more so afterwards; but with the growth of the Empire the difference in degree became almost exalted into difference in kind. Insularity, independence, aloofness, whatever best describes the British type of character, went over the water with the pioneers of the Empire, with the first settlers in Virginia, New England or Barbados. Unlike those of the Latin stock who crossed the seas, our forefathers in the lands to which they went did not mix appreciably with other breeds, whether white or coloured. With little alloy, the type brought out from home gained strength in new surroundings with ample elbow-room, in unlimited freedom except for trade restrictions imperfectly enforced. As the generations went on, in spite of distance, the colonists made themselves felt in the mother country, and the climax was reached in the American Revolution with its lasting effect upon political life and thought in Great Britain.

Living in an island, which, as Adam Smith pointed out in the passage already quoted, has a great extent of sea coast in proportion to its total area and many fine estuaries and rivers, Britons could not but be in large numbers sea-goers and sea-traders; they could not but develop sea power, empire or no empire. But it seems reasonable to conclude that it was the existence of an infant empire which gave occasion for or, at the least, reinforced the arguments for the Navigation Laws; that those laws nursed English shipping and English carrying trade in their struggling years; and that after they had, under changed conditions, become worse than useless and positively harmful, it was still the existence of the Empire, the fact of owning colonial and Indian possessions, that made the strongest possible sea power for Great Britain at once vitally necessary for the protection of those possessions, and, in view of the naval bases, the refitting stations, and the nurseries of seamen provided by the Empire overseas, not extremely difficult of accomplishment.

If one outcome of the Navigation Laws was the strengthening of British sea power, another was the creation or furtherance of vested interests and monopolies which, as has been seen above, in the eighteenth century especially, very greatly affected political and social life in Great Britain. Such were the West African slave trade interest, the kindred West India sugar interest, and the interest of the East Indian nabobs. It is true that there was no need of an empire in order to create trade monopolies, that without any British colonies there might have been a large British carrying trade in slaves and sugar, and without any British possessions in India there might have been, as there actually was, relatively speaking, in the early days of the East India Company, a flourishing commerce between Great Britain and India. But is it conceivable that without the permanent oversea bases, the colonies, the settlements, and the factories held on freehold tenure, British trade could ever have attained to the dimensions to which it did attain or would have been so sure in foundation and growth as it actually was, or, as a consequence, that the monopolies in Great Britain would have been as powerful as they were?

The money which flowed into the mother island from the colonies and India may perhaps have been a greater curse than a blessing to British national life and character, but on the other hand the colonies and India supplied and still supply outlets for British men and women and British capital. Here again it will be said that there would have been ample use for both men and money overseas without the need of any British ownership of soil. This argument, so often used in the middle of the last century in one form of words or another, really derived whatever force or substratum of truth it had from the existence of the United States, which after all were once part of the British Empire and peopled by our own stock; and moreover those who contemplated a future for Great Britain without an empire did

not take into consideration how that future could be safeguarded if other competing European nations possessed empires while we had none. In any case without an empire Great Britain would have been very much poorer in one important respect. An unsurpassed opportunity for calling out and developing the best British qualities would have been wanting. It may be said again that, without the Empire, British engineers, the makers of railways, telegraphs, irrigation works and the like, would all the world over have been able to put forth their initiative and resourcefulness, their capacity for turning existing conditions to the best advantage for the work in hand, that, if they were found to be the fittest instruments for given purposes, they would have been employed. But the world never has been an open market, and it will not seriously be contended that the prospects of openings in foreign lands are as a whole to be compared in the case of British citizens with those which their own Empire presents. In one direction there would be no openings at all—there would be in effect, though a few special instances to the contrary might be quoted, no field for administrators. As a school for administration the British Empire stands alone. Outside the self-governing dominions, in India and the Far East, in tropical Africa including the Sudan, and to a lesser degree in other parts of the world, British genius for management and control has been developed in a wonderful way, and the Empire has reacted on the homeland by sending back a succession of highly trained men, before their time of active usefulness is past, to leaven public and private life in Great Britain. It would be interesting and instructive to have a record of the part which has been taken in home life by retired Anglo-Indian officials, and it is impossible to contend that the Empire has not given a broader outlook to the dwellers in Great Britain, by bringing among them a strain of men who have handled and taken responsibility for all sorts and conditions of race, custom and creed throughout the wide world.

If anything absolutely new can be traced to the possession of our Empire, it must be traced to the most original feature in it, the progressive development of dependencies into independent partner nations which have nevertheless remained by the mother country's side and under the same sovereign. In the report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926 the members of "the group of self-governing communities composed of Great Britain and the Dominions" are defined as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British commonwealth of nations". To this there is no parallel in history, and perhaps it would be fair to say that, whereas the present partner nations overseas were once, but have ceased to be, dependencies of Great Britain, the life of Great

Britain as a nation is now, as it was not formerly, conditioned by its partnership with these other nations. One result is that those citizens of Great Britain who think at all on political and constitutional questions, are compelled now to think not only imperially, as Joseph Chamberlain counselled, but internationally—in a new sense as opposed to a continent-of-Europe sense. Under the old order, as late as Palmerston's *régime* or even later, colonies marched infinitely far behind foreign Powers in the consideration of British statesmen. It is not so now. In our outlook on the future the British Commonwealth of Nations takes the first place.

CHAPTER II

ENGLAND AND THE OPENING OF THE ATLANTIC

IN the long perspective of history the accession of the House of Tudor is an event of cardinal importance. Contemporaries may hardly have understood it; to them the victory of Bosworth appeared as but the latest incident in the dreary succession of plots and revolutions which had filled the English record for a century past. But their posterity can discern that the event does mark a definite stage in the growth of the English nation. After Bosworth certain fibres of the corporate life were dead, or withered and doomed to die, whilst others found scope for more vigorous development, for ramification and penetration of new areas of activity. The feudal baronage had disappeared, slain by its own degeneracy and loss of public spirit. Serfdom also was virtually gone; the English were now free men, with so few exceptions that publicists could generally ignore them and after another century it could become a legal maxim that there were no bondmen in the realm. The Church, in its medieval capacity of a state within the State, owning much of the property and exercising a great part of the administration and legal jurisdiction of the country, was in decline. It had grown unpopular with men of material motives, and Lollardism, its spiritual enemy, was yet alive and lurking to attack it; its downfall awaited only the revival of the power of the Crown. That revival is one of the most apparent results of the revolution of 1485. It carried with it a growth of patriotic feeling, an increase of security and consequently of trade and wealth, and an ambition for maritime power as the most effective means of national defence. So was England equipped to take advantage of the accidents of her situation, of the mental awakening and material expansion which were now offering their benefits to all European peoples alike. Nothing is more probable than that, but for the turn in English politics, the Renaissance would have left us not stronger but weaker, as it left Italy and Germany, and that the favourable juncture for our growth into a great Power would have been lost. The success of the Tudor monarchy offered a practical field to the dreamer, action to discipline imagination, a material reward for the labours of the scholar and the projector. In no sphere is this so apparent as in that of the maritime adventurer.

At Henry VII's accession the foreign commerce of England displayed the same general features as in the reign of Edward III. The greater, or at least the richer, part of it was in the hands of foreigners —of the German Hansa and the Flemings to the eastward, and of the Italians and Spaniards towards the west and south. Of English merchants there were two classes, the incorporated traders of the

Staple and the Merchant Adventurers working across the Straits of Dover and the North Sea, and the independent merchants trading with Ireland, Aquitaine, the Peninsula, and occasionally perhaps with the Atlantic islands, and at rare intervals pushing into the Mediterranean and the Levant. Some of these western or ocean men hailed from Bristol, the Devon towns and Southampton, but many belonged to London, which was common ground to both types of enterprise, a fact which had an influence upon the rapid commercial advance of the capital during the Tudor period. It may be said in general that the North Sea trades, handicapped though they were by foreign competition, were yet the most frequented, and produced the greater part of the country's commercial wealth; whilst the western trades were scantier and less lucrative, but were to be offered, with the advance of ocean discovery, an opportunity of greater expansion. The realisation of this potentiality was, however, delayed by political factors: the Anglo-Spanish amity of the first half of the Tudor period acted as a brake upon enterprise, and it was not until the progress of the Reformation had made England the enemy of the Peninsular powers that the more dazzling possibilities of the ocean revealed themselves. Then at last was seen the true contribution of the western adventurers to the national development. For they were the originators of almost all the oceanic undertakings of the Tudor period, and they were the fathers of the generation that founded the old colonial Empire. The present chapter has thus to relate a twofold story—the achievement of commercial autonomy in European waters, and the turning of English energies to more distant regions.

Early in the Tudor period England became involved in that movement towards geographical discovery which had already absorbed the energies of Portugal, but before tracing the record of her activities oversea, we may enquire why a country with so ancient a maritime tradition as ours was so backward, compared with Portugal and Spain, in pursuing it. For fifteenth-century Portugal, Africa was the land across the narrow seas, just as France was for England. Either country found an outlet for its surplus energies in oversea conquests, but whereas those of Portugal led to something further, those of England did not: the Hundred Years' War and the ensuing civil commotions provide a reason for the lack of English enterprise upon the ocean. Portugal, in addition, combined with the ordinary adventurous spirit a strong religious impulse. In the Peninsula and the Mediterranean the crusading idea was yet alive. By the fifteenth century the Muslim had long been cleared from Portugal itself, and in Spain he was on the decline; but in the Mediterranean his power was advancing. The virile and brutal Turk had succeeded the cultured Saracen. He had established himself on the soil of Europe, and in the course of the century had taken Constantinople and made himself a sea power, and was now reducing Venice to a state of dependence and threatening

to close the old Levant routes to the East. None could foretell where the Turkish advance would stop. Men whose ancestors had fought the infidel for generations were quick to take up the new challenge, and the Portuguese exploration of the African coast was largely inspired by the hope of converting the negroes to the faith and of finding a road to the Christian people vaguely known to exist in eastern Africa. Yet further lay (or was thought to lie) a similar inducement. Christian travellers in the thirteenth century had reported the Mongol princes of Asia as very complaisant towards their faith; and the hope had never entirely died of bringing Central Asia upon the backs of the Muslims of the Nearer East. This was remote enough from the immediate prospects of Portugal, yet in the general confusion of thought and lack of geographical knowledge it may have strengthened the will of the Portuguese to seek in African discovery a counterpoise to the Turkish power. Upon England, remote from the Turk, these considerations had but a faint effect.

Geographical position illuminates the question in yet another way. The geographical knowledge possessed by Greece and Rome had perished in western Europe amid the confusion of the Dark Ages. In the Eastern Empire it had survived and had been passed on to the Saracens who conquered Egypt and Syria. They, in the early Middle Ages, were far more highly instructed in all the sciences than were their European contemporaries. The Crusades brought Europeans of all countries into contact with the Saracens, but it was the friars and merchants of Italy rather than the fighting men of the north who reaped the intellectual benefit; and it is established that Italy supplied to Portugal the rudimentary knowledge of world geography which gave an edge to her crusading fervour. Italian cosmographers corresponded with Henry the Navigator, and Italian pilots bore their part in the early expeditions to the Atlantic islands and the African coast. Above all, Italy was the creator of the *portolano*, the handy pilot's chart by means of which a man could really profit by the discoveries of others and could record his own. *Portolani* were in common use among the Mediterranean seamen of the fourteenth and fifteenth centuries; but Chaucer's shipmaster could not have read one had he seen it. There was an immense difference between the potentialities of scientific navigation, however crude its instruments, and those of blundering by a sort of animal instinct along familiar sea tracks and coastlines. Here again, Portugal had the advantage of new methods from which the northern seamen were far remote.

Not only was England in the fifteenth century very poorly equipped with such world knowledge as existed, and not only had her overseas expansion taken a direction in which success would have been more injurious than failure, but in another matter also she was handicapped. The men of the Mediterranean, with Italians again as the pioneers, had evolved a commercial technique superior to that of the English,

although not perhaps to that of the Flemings and Germans. England was wealthy in a way, but the wealth was not in mobile form. The merchant who wanted to withdraw his gains from adventure invested them in land, for banking facilities were unknown to him. Even late in the sixteenth century it proved difficult to raise capital for new undertakings; men reputed to be worth many thousands would subscribe no more than £50 or £100 to a project in which they had good faith; and it was not until the joint-stock company made its appearance in 1553 that a means existed whereby a large number of investors could combine their very small investments.

Nevertheless England did react, although feebly, to a historical law which has operated with fair constancy. Whenever a people has emerged from a successful war of liberation or consolidation—has become a nation in fact—it has tended to divert its energy to outward expansion. Ferdinand and Isabella united Spain and expelled the Moorish power; and at once they listened to Columbus. Henry VII replaced feudal anarchy by a strong government, and then he and his merchants glanced for a brief moment across the ocean.

John Cabot or Cabotto, a Genoese by birth and a naturalised Venetian, was living at Bristol early in 1496. It was not a town in which Italians ordinarily did much business; but it was already visited by Portuguese ships direct from Madeira and possibly from the Azores, and this may have helped to stimulate in its inhabitants that interest in ocean discovery which they undoubtedly felt.[1] There is a record of Bristol ships having made fruitless voyages into the Atlantic before Cabot's time. Perhaps they were trying to find their way to the Azores, perhaps they were looking for something further; at least there was a stimulus of some kind. Cabot was there to preach a doctrine long familiar to speculative geographers—that the eastern shores of Asia must extend sufficiently far round the globe to be accessible to ships sailing westwards from Europe. The voyage, according to these thinkers, was practicable, and the inducement to attempt it was the spice trade, which Venice was losing by Turkish intolerance, and which Portugal had not yet gained by the success of Vasco da Gama. Reports of the earlier discoveries of Columbus had now come to hand, but it was obvious to commercial men that, however strongly he might assert that he had been in the islands of Asia, he had certainly not yet found the true spice islands or the civilised peoples of China and Japan. In March 1496 Cabot obtained from Henry VII a patent empowering him to search in the east, north or west for lands hitherto unvisited by Christians, and to enjoy a monopoly of any new trades so discovered. The Crown was to receive one-fifth of the profits, but was to contribute nothing towards the expenses.

[1] Ship from Madeira, P.R.O., Exchequer, E. 122, 20/5, Sept. 19 (customs ledger), 1485/6; for the Azores probability, the undoubted residence of Azoreans in Bristol (*vide infra*).

In the spring of 1497 John Cabot sailed from Bristol with a single small vessel, and at the beginning of August he was back in England with a report of the discovery of a new coast to the westward. No journal or map of the voyage has been preserved, and there are no details of latitude or longitude, so that it remains uncertain whether the land was Nova Scotia, Newfoundland or southern Labrador; but it must have been one of them, for it had a temperate summer climate, was not in an Arctic latitude, and was near enough to Europe for the whole voyage to be accomplished in three months. Cabot himself was convinced that he had reached the mainland of Asia in its northerly extension, and that with a better equipped expedition he could follow its coast westwards and southwards and so reach the profitable countries of China and Japan. The King and the merchants accepted his contention, and showed much enthusiasm for the completion of the discovery. Henry conferred upon Cabot a gratuity of £10 and an annual pension of £20. He paid also, according to a contemporary, the expense of fitting out one ship, although a second patent, issued in February 1498, makes no promise of pecuniary aid but merely permits Cabot to pursue his exploration with the assistance of the King's subjects.

On his second voyage Cabot sailed from Bristol in May 1498 with four or five ships freighted by merchants of London and Bristol, a few of whom had received loans from the Crown for that purpose. His expressed intention was to found a trading factory on the coast of Asia, and neither he nor anyone else had the least suspicion that the land already visited belonged to a continent distinct from Asia. In other words, there can be no possibility that he went to seek a north-west passage, which would pre-suppose an America to circumnavigate. This question is important, because there is no contemporary record of what actually happened on this voyage, and the rest of John Cabot's story is a matter of inference. All that is established is that he sailed and had not returned as late as October, but that probably, although not certainly, he came home at a subsequent date. It is, however, possible to say that the voyage was a disappointment—in contemporary eyes, a failure—for he found nothing of what he went to seek. The farther shores contained no Chinese cities, no wealthy Japanese with gold-roofed houses, no spice trade. If John Cabot made an extensive coastal voyage and came again to England, it was with the knowledge that the continent beyond the ocean was not the Asia described in gorgeous detail by Marco Polo two centuries before.

The above account of John Cabot's expeditions is based on good evidence, some of it the unimpeachable testimony of administrative documents, and the remainder contained in news letters written by observers in London at the time; and if the story appears meagre, the reason is that it has been rigorously divested of the cloud of

surmises with which so many commentators have been tempted to surround it.

A number of independent historians, writing in the sixteenth century, give accounts of a voyage of discovery by Sebastian Cabot, the son of John. They obtained their facts, at first, second, or even third hand, from the utterances of the explorer himself. They are vague and mutually discrepant about the date, save that it was in the reign of Henry VII; but they do agree that Sebastian took two ships and sailed north-westwards into the Arctic ice in search of a route to Cathay, and that, having failed to find it, he turned southwards, coasted a great part of the American continent, and returned to England. They state, further, that he claimed to have discovered the Newfoundland cod fishery; but the credit of that, on much better evidence, is due to John Cabot in 1497. Of Sebastian Cabot's voyage it may be remarked that its commander (if he spoke the truth, and if he was correctly reported) was aware of the true nature of the opposite continent, and was looking for the North-West Passage. A fair inference is, therefore, that the undertaking was of later date than the second voyage of John Cabot.

There is no trace of any other voyages by the Cabots under Henry VII, although it has recently been discovered that Sebastian was still living at Bristol in 1505, when he was granted an annuity of £10 for good service.[1] Before that date other hands had taken up the work. In March 1501 the King issued a patent to three Bristol merchants named Richard Ward, Thomas Ashehurst and John Thomas, and three natives (described as squires) of the Azores, João and Francisco Fernandes and João Gonsalves. The document conferred elaborate rights of discovery, colonisation and monopoly of trade, and apparently contemplated the establishment of a commercial factory somewhere in the north-west. The three Bristol men are all traceable in the customs records as doing regular business with Spain and Portugal, and as early as 1493 there is an entry showing a "Johannes ffornandus" exporting goods from Bristol to Lisbon.[2] By other evidence it is known that João Fernandes had obtained a grant from the King of Portugal in 1499 to make discoveries in the north-west. There are scanty but conclusive indications that the Bristol syndicate sent out expeditions in 1501 and 1502, and that in the latter year three captured Eskimos were brought to England. Then, in December 1502 the King cancelled the existing patent and issued a new one to three of the former syndicate, Thomas Ashehurst, João Gonsalves and Francisco Fernandes, and to one new member, Hugh Elyot. More voyages followed in 1503, 1504 and 1505, after which the enterprise drops completely out of view. The only clue to the nature of the expeditions is that they went to "the new found lands", and

[1] Newton, A. P., "An Early Grant to Sebastian Cabot", *E.H.R.* xxxvii, 564–5.
[2] Exchequer (Customs), E. 122, 20/9.

that one of them was organised, if not accompanied, by Hugh Elyot and Robert Thorne the elder, a man who was in other matters an ally of Elyot's, although his name does not appear in the patent. The enterprise was at one time promising, as is shown by royal gratuities to some of the voyagers and by the grant of £10 pensions to Gonsalves and Francisco Fernandes. The probable motives were fishing and fur-trading and the search for the North-West Passage. But the end was failure, and the last joint trace of the parties occurs in a Chancery suit wherein "Fraunces Fernandus Esquier" complains that he is imprisoned by Hugh Elyot for a debt of £100.[1] Henry VII, although favourably inclined, had not spent £300 from first to last upon the whole of the exploring projects of his reign. A comparison of this petty sum with the cost of a court function or a single campaign in contemporary warfare reveals the value which the King set upon western discovery.

Under Henry VIII there were sporadic attempts, in which the King showed more marked initiative than his father had done, to pursue the north-western discovery, and there was also a serious promotion of trade with Guinea and Brazil by merchants of Plymouth, Southampton and London, those western men whose significance has already been noted. The first project of discovery belongs to the years 1516–17, when Sebastian Cabot and an English captain named Thomas Spert are said to have failed in a voyage intended for Newfoundland. This rests on the authority of Richard Eden, who wrote some forty years later. Apart from his statement, there is no evidence that either Spert or Cabot was engaged in the venture, but a document recently discovered shows that there was a voyage set forth in 1517 by John Rastell and others, whose ships got no farther west than Waterford.[2] In 1521 Henry himself evolved a plan for the north-west, but he relied upon the merchants to provide most of the capital required. Those of Bristol professed willingness, but the Livery Companies of London virtually refused, alleging want of faith in Sebastian Cabot, the commander designated by the King. It does not appear that any ships actually sailed. Four years later an Italian captain, Paolo Centurioni, came to London to discuss an expedition, but died there before anything had been done. In 1527 there was an indubitable voyage, seemingly at the King's expense. John Rut, a shipmaster of the Royal Navy, sailed in May of that year with two ships. He pushed up the Labrador coast to 53° N. where one of the vessels was lost in a storm. With the other, Rut went south to Newfoundland, whence he sent a letter home by a fishing boat, and then he coasted North America until he came down to the West Indies. He touched at Porto Rico and San Domingo, and thence sailed home to England. This is the first recorded intrusion of an English ship in

[1] Early Chancery Proc., Bundle 135, no. 76 (no date).
[2] See Reed, A. W., in *Mariner's Mirror*, IX, 137–47.

the Caribbean. In the same year Robert Thorne the younger, son of the Thorne already mentioned, wrote an address to the King on the subject of a northern passage to Asia. Thorne was a merchant doing business with Spain and Portugal, and he was eloquent upon the profits the discovery would yield. His idea was that a passage would be practicable over the Pole itself, and that the icebound area would be found negligibly small. His writing has been generally considered as the inspiration of Rut's voyage, but it is to be remarked that Rut did not follow the course Thorne recommended. Two more items close the list of exploring projects under Henry VIII. In 1536 one Hore led an expedition to Cape Breton. Although he lost many men by hunger he discovered nothing new, and did not penetrate beyond the waters known to the fishermen. Lastly, in 1541, the Privy Council was said to be planning northern discoveries, but no action is known to have followed its deliberations.

The abundance of cod upon the banks of Newfoundland had been reported by John Cabot in 1497, and the fishery was being actively exploited shortly afterwards. The Bristol syndicates of 1501–5 may have sent out fishing vessels, but apart from this there is no evidence of Englishmen regularly frequenting Newfoundland until the latter part of Henry VIII's reign. The Portuguese, on the other hand, were at work in the early years of the sixteenth century, and the French were not long behind them. Rut found Normans, Bretons and Portuguese fishing in 1527, but the first clear reference to an English participation occurs in an Act of Parliament of 1541. This, however, makes it probable that the industry was well established by that date.

Such, in outline, was the English contribution to the oceanic discoveries of the great age. It was not a very brilliant effort, and, had it stood alone, might have made no great difference to the course of the country's development. But England, in common with the rest of Europe, experienced the reactions set up by the overseas enterprise of Spain and Portugal, and some appraisement of their efforts is necessary. To the imagination of mankind the impulse was very powerful, and it came at a time when mental energy was being generated by the advance of other branches of knowledge. The peoples of Europe were losing sight of the ideal of Christendom as a single entity and were beginning instead to respond to the urgings of national self-consciousness. When, therefore, the first discoveries were made, not only did they become subjects of eager speculation wherever men of wide outlook congregated, but also they promoted the growing tendency towards national development. Vast areas presented themselves in the early sixteenth century for exploitation by the ambitious, and almost as a matter of course it was decided that the exploitation must be on strictly national lines. It should not be forgotten, however, that another solution of the problem was imaginable, and that in the era of the Crusades the Powers of Christendom

would probably have made some attempt to approach the unknown by an effort of general European organisation. However, the age of discovery coming when it did, the channel into which the quickened imagination of the time directed the energy of Europeans was that of national expansion into other continents. The discoveries did not beget nationalism, but they did accelerate its growth, intensifying national animosities, and stifling, down to our own time, any hope of a European unity like that of the Roman Empire or the medieval Church.

As the era of oceanic competition set in, it confirmed another process which was independently beginning, the decline of the Mediterranean as the focus of Christendom. Italian prosperity was already threatened by the advance of the Turk, which interrupted the ancient lines of communication between Europe and the civilised East. Intercourse with the East was by this time a necessity of life to Europe, and had there been no alternative route there must have been a mighty effort to roll back the tide of Muslim conquest—a new Crusade, economic as well as religious in its motives, resulting, if successful, in the preservation of Italian supremacy in the arts of life and in the reconstruction of some form of pan-European authority. But the alternative presented itself, the heroism and will-power of Europe sought the oceans, and the Mediterranean and its culture declined. A concrete illustration of the process finds expression in an English Act of Parliament,[1] attributing the decay of Southampton to the fact that "the King of Portugal took the trade of spices from the Venetians at Calicut," since when, "few or no carracks, galleys nor other ships have repaired unto our said town, nor be like to repair hereafter"; for Southampton's function in the old economy was to be an outpost of the Mediterranean, a distributing-point for the Asiatic goods obtained by the Italians in the Levant.

The Portuguese handled the wealth of Africa and the East in a different fashion. They made Antwerp the staple for distribution over northern Europe, and the city, already prospering by reason of its geographical position, enjoyed its most splendid period in the sixty years preceding the revolt of the Netherlands against Alva and Philip II. Thereafter London and Amsterdam shared its spoils and those of its Portuguese feeders, but the commercial headship of Europe had left Venice and Genoa and their neighbours for ever.

Spanish treasure from the West in like fashion stimulated the enterprise of the Netherlands and Germany rather than that of Italy. Charles V was Holy Roman Emperor as well as King of Spain, and the effect of the connection in piling up the fortunes of German financial houses was remarkable. The Fuggers and the Welsers of Augsburg, the outstanding examples, had founded their position under the conditions of medieval trade. But they were able to

[1] 22 Hen. VIII, c. 20.

change with the times. They had sufficient capital to finance the Emperor's wars and so to secure from him concessions whereby they accumulated a great deal more. They exploited mining and other property all over Europe and Spanish America, skimmed the cream from the treasure fleets, and vitalised business enterprises hitherto untouched. But the men who followed in their footsteps, at first feebly and doubtingly enough, were not the worn-out merchant-nobles of Venice, but the western men of England, France and the Dutch Netherlands. English mining, for example, began to be scientific in the reign of Elizabeth, and drew its instruction from the Fuggers' men from Germany and its capital from London merchants who were profiting by the African and Caribbean trades. Mobile capital was foreshadowing its power.

It was in a world in which these new forces were stirring that Henry VIII succeeded to the English throne. The maritime development of the country owes as much to him as to his father, although the debt is of a different kind. He took a more active interest in discovery, but his efforts yielded virtually no result. He took a rather less active interest in trade, and so Henry VII's good work was not vigorously followed up; yet the damage was not considerable, for English trade was now healthy enough to stand by itself. But in another direction Henry VIII accomplished what Henry VII had only contemplated—he built a first-class fighting Navy and devised a naval administration which had no equal in Europe for a century to come. That, in the purely maritime sphere, is his contribution to the advance of England, and its success was in great measure due to his pursuit of a foreign policy far less cautious than that of his father. The naval side of the French wars also affected relations with the Hanseatic League. No sooner had the king's ships become a prominent factor in the national defence than the question of naval stores became vital. The Baltic was then the producing area of the hemp, pitch and spars so essential for wooden warships. The Hansa was in a position to cut off supplies, and therefore, although there were disagreements in time of peace, the approach of war modified Henry's attitude towards the League, with which at the end of his reign he was on cordial terms. In 1544–5 it sold him several warships of the largest size, including the famous *Jesus of Lübeck*. Thus the politics of the reign entailed a postponement of the inevitable day when England should shake herself free from the heaviest shackle upon her commercial autonomy.

Henry VII had seen that the predominance of the Hanseatic League was an obstacle to the growth of English commerce. By well-timed interference in the Wars of the Roses it had secured from the English Crown a privileged position as against all other foreign merchants, and it even paid lower customs duties than Englishmen themselves. These privileges were embodied in a treaty signed at

Utrecht in 1474. Bound by this pact, Henry VII, with all the resources of his diplomacy, was unable to shake the League's position in his realm. In other directions, however, he had advanced English trade. He had made favourable treaties with Spain and the Netherlands, had protected his subjects from Venetian jealousy in the Mediterranean, and had passed Navigation Acts (1485 and 1488) to restrict the import of wine from Gascony to English shipping.

Under Henry VIII the North Sea trades made no great advance. English merchants in the Baltic and Germany remained subordinate to the Hansa which also competed keenly with them in the Netherlands. The western trades show a much more interesting record. There may not have been much growth in their volume, but the English share certainly increased. The misfortunes of Venice caused the great Flanders galleys, formerly the vehicles of the spice trade, to become irregular in their sailings and to cease them altogether after 1532. Private Venetian ships still came to England, and a Venetian community long remained in London, but a great deal of the trade with Italy and the Levant fell into the hands of English merchants. The Levant voyage commonly took twelve months and demanded the use of a large and well-armed ship. The King occasionally ventured a warship in the trade. It supplied moreover an incentive to build merchantmen of a more advanced type than was common on the short North Sea routes. Business training also benefited, for the records show that the risk of a Levant voyage was usually shared by a considerable number of merchants, Englishmen being often associated with Italians.[1] Here is to be seen one of the origins, not only of the regular joint-stock company for foreign trade, but also of those very flexible syndicates which carried on the Elizabethan warfare against Spain and accomplished much pioneering work in the colonial Empire of the seventeenth century. The need for experience in such matters is apparent when it is remembered that they involved complex questions of law between the parties. The High Court of Admiralty, reorganised by Henry VIII, adapted its procedure to the new needs of the time, and from 1536 onwards preserved in its records an immense body of learning and precedent. The westward traders strengthened their connection with the French ports, and undoubtedly obtained there a stock of information about Africa, Brazil and the West Indies, where French intruders were busy throughout the reign of Francis I. In spite of the wars with France, there is little evidence of rancour between the French and English seamen; on the contrary, they seem to have joined in hatred of the Flemings and Germans and afterwards of the Portuguese and Spaniards, so that when the Reformation supervened, the seeds were already laid of that

[1] Exchequer (Customs), E. 122, 143/11, 1539, July 19—a great ship from Southampton for Levant, laded by more than twenty merchants, English and foreign; E. 122, 143/13, 1542, Dec. 21—a similar undertaking.

alliance between English Protestants and French Huguenots, which made the Channel and the Bay of Biscay a freebooters' paradise and severed the best line of communication between the Habsburg dominions.

The English share of trade with the Peninsula grew in volume as the result of changing conditions. Bristol, Plymouth and Southampton tapped the traffic from Portugal to Antwerp, and Southampton gradually regained some of the business lost by the decline of Venice. The seaports of Andalusia were no longer a terminus only, but began to serve as half-way points on the Levant route. In 1530 Henry VIII issued a charter conferring the organisation of a regulated company upon the merchants in Spain; and so valuable was the traffic that it survived all the troubles of the Reformation until the beginning of war in 1585. In the later years of Henry VIII there is clear evidence of English ships frequenting the Spanish Canaries and the Portuguese Azores, bringing wines and sugar from the former and woad from the latter.[1] Portugal, however, prohibited access to Madeira and the African coast. As the sixteenth century advanced, the difficulties besetting the English merchants in Spain became serious enough to destroy any but a well-rooted trade. Privateering and piracy grew rampant; the Spanish secular laws were oppressive —English residents, for example, were not allowed to keep their private accounts in their own language;[2] and the cruelties of the Inquisition, as Admiralty records show, were not such fables of Protestant polemic as has sometimes been alleged.

The most striking oceanic advance of the reign was the opening of a regular trade with Guinea and Brazil in spite of Portuguese objections. The details of the story are lost, but from the scanty evidence which remains it appears that William Hawkins of Plymouth was the pioneer. He made three voyages in person to Brazil in 1530–2, touching the Guinea coast on the outward passage. In subsequent years he sent out ships on the same errand, one of which in 1540 brought home a valuable lading of ivory and Brazil wood, which may be taken as typical of the results of the trade.[3] At the same date the Southampton men were active, and one of them built a fort near Bahia in 1542. In 1540 a London ship went to northern Brazil (which may possibly mean Guiana) and thence to the Caribbean, where her crew committed piracies on the Spaniards.[4] Hawkins and the Southampton men were all merchants doing business with Spain and Portugal, and it is from those countries that they may have

[1] H.C.A. Examinations, nos. 3 and 4, *passim*, 1538–42; H.C.A. 7/1, Exemplifications, nos. 206–8, 1538.

[2] *Cal. St. Pap. Foreign*, 1561–2, no. 412.

[3] E. 122, 116/11, 13.

[4] *Eng. Hist. Rev.* XXIV, 96, Marsden, R. G., "The Voyage of the *Barbara* of London". Further details not given by Marsden occur in a Spanish report of 17 August 1540, printed in J. F. Pacheco's *Coleccion de documentos ineditos . . . de las posesiones españolas*, Madrid, 1864–84, I, 572.

obtained their charts and pilots for the ocean voyages. But a more probable source is to be found in Normandy. The seamen of Rouen, Havre, Honfleur and Dieppe had visited the tropics from the beginning of the century and had made a regular trade thither since 1520.[1] Rouen, in particular, harboured a number of Spanish and Portuguese renegades, some of whom had become naturalised Frenchmen and were doubtless ready to sell their countries' secrets. The English Brazil trade died out during the French war of 1544–6. Portugal was at length taking the colonisation of the country in hand, and was sending out warships to stop intruders. In addition, the war made freebooting in home waters more profitable than distant trading, and the Admiralty records show that many a cargo of sugar, ivory and dyestuffs was brought into English ports by adventurers who went no farther than Finisterre in search of it. The French, on the other hand, made no break in their tropical expeditions. Francis I and Henry II connived at them, and at a later date Admiral Coligny became a frequent investor. His position as head of the Huguenot party was thus utilised to transform the earlier interloping under royal patronage into a Protestant crusade which carried fire and sword into the colonial waters of the Peninsular Powers.

Henry VIII's services in strengthening the Royal Navy, establishing the Navy Board and fortifying several ports were vitally necessary. Already in 1538–9 Englishmen were being roughly used in Spain for refusing to deny their King's claim to the title of Supreme Head of the Church.[2] In 1540 a new English Navigation Act introduced the principle of discriminating duties between users and non-users of English shipping; but so loud were Flemish and Spanish complaints that Henry was obliged to give way and exempt the Emperor's subjects from its operation. Then, in 1542–4, there was a reconciliation with Charles V, and in the latter year he and Henry jointly declared war on Francis. They made one campaign in unison, and Henry captured Boulogne, but in the autumn Charles suddenly concluded a separate peace at Crespy, leaving England alone to cope with France and Scotland. Scotland was already powerless for offence, thanks to a joint naval and military expedition in 1544, which had taken Edinburgh, burned Leith, and cleared the Forth of shipping; but France had a strong professional army and a navy capable of contesting the Channel. The danger year was 1545, when the French fleet came over and blockaded the English in Portsmouth. There was a half-hearted fight off the mouth of the harbour, and afterwards the French withdrew, defeated more by their own maladministration than by the English guns. Henry's Navy won no victory; yet its existence

[1] Bréard, C. and P., *Documents relatifs à la marine normande* (Rouen, 1889), pp. 201–2. For this very important period of French expansion see, in general, Charles de la Roncière, *Hist. de la marine française*, III.

[2] *Letters and Papers*, XIV, pt 1, nos. 466, 487; XV, nos. 38, 281.

had saved the country from invasion, for that was the purpose with which the French had set out.

The Emperor's Peace of Crespy was a serious blow to the old alliance of England with Spain and the Low Countries. There were circumstances which tended to justify him, but by all good Englishmen his act was regarded as one of the blackest treachery. Accordingly his subjects became fair game for adventurers who professed to be privateering against France, but who resisted few temptations to rob beyond the scope of their commissions. By 1545 the privateers had already cleared the seas of French merchantmen, and now they began to take Spaniards and Flemings and even Portuguese on the charge of carrying French goods. Some did not trouble to make the excuse. One of them took a treasure ship from the West Indies with a cargo worth 30,000 ducats,[1] patently not of French ownership, and many others did similar feats. The Anglo-Spanish hatred of Elizabethan days was no new thing. It began in the dungeons of the Inquisition and on the waters of the Bay and the Channel before Henry VIII was dead; and it confirmed the Protestantism of the western adventurers and urged them to make common cause with the more experienced Huguenot freebooters from the ports of France.

So important was the western element in the subsequent generation that it is relevant to consider individually some of the men who were its pioneers. In London the Gonson family were prominent. William Gonson under Henry VIII traded with Spain and also despatched many ships to the Levant. Great nobles like the Dukes of Suffolk and Norfolk participated in the trade, in association with the Gonsons and other merchants. Benjamin Gonson, the son of William, succeeded to a similar career. His western ventures included the financing of voyages to Guinea under Mary and Elizabeth and of John Hawkins's expeditions to the West Indies. He was Treasurer of the Navy and Cecil's right-hand man in its administration; and John Hawkins married his daughter and succeeded to his office. Sir William Lock and his son Michael were also Levant traders, and Michael Lock was in after days the chief promoter of the Company of Kathai and of Frobisher's search for the North-West Passage. The Castlyn family were originally prominent in the Spanish and Portuguese trade under Henry VIII, William Castlyn as a merchant, and his brother James as a sea captain. From the Peninsula they extended their operations to the Canaries and the Azores, to which group James Castlyn made one of the first recorded English voyages. Edward Castlyn, of the next generation, in partnership with Anthony Hickman, maintained resident factors in the Canary Islands in the reign of Mary, and both of them were prominent investors in the pioneer voyages to Barbary and Guinea. Of the other London adventurers in oceanic undertakings, Sir George Barnes and Sir

[1] *Letters and Papers*, XX, pt 1, no. 459, and several subsequent references.

Andrew Judd were Spanish traders, as also were Sir William Gerrard and Sir Lionel Ducket. In general it may be said of this London group—of which the above list is not exhaustive—that they made their fortunes in the old regulated trades across the North Sea and then ventured their surplus in the more risky speculations on the ocean; the majority of them are known to have belonged to the Merchant Adventurers as well as to the Spanish Company.

Southampton numbered among her townsmen some men of the same stamp. Henry Huttoft was a Levant trader with extensive Italian connections under Henry VIII. He served the State as collector of customs and as a contractor for naval construction at Portsmouth, where he built the second *Great Harry* and other ships in 1536 and the following years. He acted also as agent to Thomas Cromwell, who was himself an investor and shipowner in the Spanish and Levant traffic. Robert Reneger, Thomas Borey and John Pudsey were Southampton merchants who engaged in the early Brazil trade. Reneger in the last French war was a noted privateer and the captor of the first West Indian treasure ship to fall into English hands.

The Brazil ventures of William Hawkins of Plymouth have already been considered. He helped Cromwell in the Dissolution, engaged largely in privateering, and afterwards acted as a contractor for victualling the Navy and fortifying Plymouth Sound. He represented Plymouth in three Parliaments and twice served as mayor, an office which was important as an outpost of the central authority. His sons William and John continued the same tradition, engaging in pioneering ventures and bearing a part in national and local administration.[1] At Bristol the Thornes filled a similar position. Their main business was trade with Spain and the Mediterranean, and by it they were inspired to promote oceanic expansion. Robert Thorne the elder and his son of the same name have already been mentioned for their share in American discovery. The younger Robert and his brother Nicholas traded with the Canaries and even maintained a factor in 1526 in the West Indies, although their trade thither is fairly certain to have been carried in Spanish bottoms.

The significance of all these men, and of many others, in the national development was considerable. By voyages to the Peninsula, the Levant and the Atlantic islands they acquired ideas and knowledge of highly organised business methods, of shipbuilding and navigation, and of the new world-conditions which were to dominate the future. They accumulated capital in the old trades and were fearless in using it in the new. They were necessarily individualists, breaking with the old tradition of incorporation, and as active in challenging vested interests afloat as on shore. Some of them mingled trade with privateering, which was legitimate warfare, and with indiscriminate roving against neutrals, which was not; thus they grew accustomed

[1] See Williamson, J. A., *Sir John Hawkins*, *passim*.

to unlicensed hostility against the Catholic Powers, and reprisals were pursued with far more hatred against Spaniards and Portuguese than against the lawful enemy, France. Finally, they filled administrative posts whilst carrying on their private activities; they did much hack-work for the nobles of the Privy Council, made themselves indispensable, admitted their superiors to good investments, and so acquired influence over national policy. They share with the men who urged forward the Protestant Reformation the responsibility for the breach of the Habsburg alliance and for the setting forth of England upon the path of oceanic expansion.

The closing years of Henry VIII witnessed the beginning of a social upheaval as important as the new departures in maritime enterprise, and destined to combine with them in moulding the country's future. The spoliation of the Church and the rise of a new class of landowners—purchasers or grantees of monastic property—accelerated changes in the exploitation of the soil. Reduced to its elements, the position was that the standard of life in Europe was rising, and that there was consequently a greater demand for cloth and for the wools which went to make it. In some parts of England, therefore, the new landowners converted arable land into sheep pasture and evicted that part of the rural population whose labour was no longer required. At the same time there was a movement by other landowners to challenge the traditional rights of the peasants upon their manors, to break up the co-operative, open-field system of cultivation, and to re-lease the land in enclosed farms for higher rents. This enclosure movement was confined to certain districts and was not so widespread as that of the eighteenth century, but, taken with the spread of sheep-farming, it did dislodge an appreciable section of the peasantry from their inherited means of livelihood. Coincidently there occurred a fall in the value of money, in consequence of the inflow of gold and silver from America, a phenomenon which was made the excuse for much of the enclosing of land. The general result was a period of social misery and political unrest, of rapid fortune-building for the progressive and of insecurity for those of conservative temperament, of greater extremes of wealth and poverty, and of the break-down of many of the social relationships which had been adequate to a more stable condition of affairs. Between 1540 and 1560 there took place, in effect, a rehearsal in miniature of the Industrial Revolution. The French wars, the heavy Government debts, and the debasement of the coinage, all contributed to the evils of the time, causing a general complaint of the decay of the old trades upon which England's wealth was founded.

Meanwhile the population was increasing, a fact which is explained by the disappearance of the static social conditions hitherto acting as a restraint upon marriage. At the opening of the Tudor period the population of England and Wales was about three millions, having remained almost stationary since the Black Death; at its close the

numbers had reached four millions, and most of this increase had taken place since the dissolution of the monasteries. Consequently it appeared to contemporary thinkers that England needed not only a social reconstruction and development of internal resources, but also the discovery of new paths of commercial expansion. The former process was postponed until the reign of Elizabeth, but the latter began shortly after the death of Henry VIII, by means which have now to be considered.

The friendship between Henry VIII and the Hanseatic League had caused much resentment among the Merchant Adventurers, who had never yet succeeded in their aim of monopolising the North Sea cloth trade. But Henry considered himself justified in rating naval efficiency higher than the advantage of the merchants; and the Hansa, besides selling him ships, delivered a great quantity of cordage and other stores at the opening of the war of 1544.[1] The discontent of the Merchant Adventurers grew more intense in the next year, when the Emperor proclaimed an arrest of their trade in the Low Countries in retaliation for the injuries he suffered from the privateers. The Englishmen had to look idly on whilst their German rivals engrossed the trade in English cloth for the Antwerp market. But the death of Henry changed the prospects of the contending parties. Somerset and Northumberland, who ruled successively in the name of Edward VI, were men to place immediate advantage before ulterior considerations. They were hampered by enormous debts, and they looked to the wealthy Merchant Adventurers to ease the State of its burdens. The Adventurers, led by Thomas Gresham, found the money and demanded a return, nothing less than the revocation of the Hanse charters and the abolition of the privileges conferred by the treaty of 1474. They presented a long list of charges against the Germans; but the real offence was undoubtedly that of competing in the Low Countries trade. In February 1552 Northumberland revoked the Hanse privileges, and reduced the German traders to the same position as that held by other aliens. Queen Mary on her accession restored the privileges for a time; but ere long the Merchant Adventurers were renewing their complaints, and Gresham's financial genius was making itself as indispensable to the new Government as to the old. Once more the price had to be paid, and in 1555 Mary suspended the privileges, substituting certain temporary rights of trade pending a meeting to negotiate a settlement. The Hansa refused to attend and clamoured for full restitution, the temporary concessions expired, and by the summer of 1557 England and the League were in a state of war. The closing of the Baltic cut off grain supplies during a time of dearth in England and, more serious still, it cut off the supply of naval stores. Of all Mary's Navy, well-nigh as strong on paper as that of her father, there was not even a small squadron fit for the sea when Guise

[1] *Hist. MSS Commission, Cecil MSS*, I, 44.

beleaguered Calais. The cause may have been mere incompetence, but is more likely to have been an unavoidable shortage of necessaries; for fifty-five English merchantmen had that season been denied cargoes in the Baltic ports.[1] In 1560 Elizabeth, on Cecil's advice, made peace with the Hansa on terms which excluded its members from the Antwerp cloth trade and abolished the absurd customs exemptions by which they had paid less than native English merchants. But still the Germans retained an advantage over other foreigners until 1579, when a new dispute caused the withdrawal of this last privilege. Finally, in 1598, the English Government seized the Steelyard, their London home, and expelled its tenants in retaliation for the Emperor's expulsion of English merchants from Germany. The critical event of this series was the treaty of 1560. By it the Merchant Adventurers secured the monopoly of sending cloth to the Netherlands and western Germany, and the way was prepared for Elizabeth's revival of the Eastland Company, which at length gained for the English a position of equality in the Baltic. The struggle with the Hansa was an indispensable preliminary to the attainment of commercial autonomy.

Before accomplishing the defeat of the Hansa, the London merchants had embarked upon what was to them a novel scheme for finding new markets for English manufactures; they had formed a joint-stock company for the discovery of the North-East Passage to Asia. The inspiring brain seems to have been that of Sebastian Cabot. He had left England in 1512 and had taken service with Spain, where he rose to the rank of Pilot-Major of the realm. His knowledge of navigation and geography was great, and his own estimation of that knowledge greater still, so that when he returned to England in 1548, having rather outstayed his welcome in Spain, he was hailed as one who would restore the prosperity endangered by the economic changes of the time. Yet he was slow to evolve an acceptable scheme, and nothing came to the stage of action until the early part of 1553. By that date a Company had been formed to work on a joint stock of £6000 divided into £25 shares, and to equip an expedition to open a direct trade with Asia by the north-east. Sebastian Cabot, as the man of knowledge, was appointed governor, although actually he could have known no more than anyone else about the region to be traversed, his own early failure having been in the north-west. The Company, whose members included noblemen, politicians, courtiers and merchants, prepared three well-found ships, and entrusted the command to Sir Hugh Willoughby, a soldier, with Richard Chancellor, an experienced seaman, as his second and adviser.

In May 1553, as Edward VI lay dying at Greenwich, the expedition passed down the Thames and steered for the Norwegian coast. In case of separation the fishing port of Vardö, near the North Cape, the

[1] Brit. Mus., Lansdowne MSS, 170, ff. 250 seqq.

farthest north-easterly point known to the men of western Europe, had been named as the rendezvous. The separation unfortunately took place, Chancellor with one ship losing sight of Willoughby with the other two in heavy weather not very long after leaving English waters. Chancellor made for Vardö and awaited his chief, but Willoughby overshot the port and sailed on eastwards, intent upon discovering the passage while the summer endured. He reached the desolate shore of Novaia Zemlia and was then forced by a leaky ship and the break-up of the weather to seek a haven in which to winter. He retraced his course westwards until he came to the inlet of Arzina on the Murman coast of Russian Lapland, and there he decided to lay up the ships and resume the voyage to Asia in the following spring. But for Willoughby and his men there was to be no spring; every one of them perished in the Arctic winter, and their vessels were afterwards found with the bodies on board.

Meanwhile, Chancellor had resumed the voyage with his single ship. Keeping a more southerly course than Willoughby, he had found the entrance of the White Sea, which, as a possible passage to Cathay, it was his duty to investigate. He sailed to its southern end, where he overhauled a boatful of fishermen; and from them he understood, much to his surprise, that he was in the dominions of the Czar of Muscovy. At that date Russia was known to western Europe only by vague report. The Hansa had long maintained factories in the country, but their merchants had been jealous in excluding strangers and preventing any leakage of information. Their line of entry had been from the Baltic coast, to which Russia did not yet extend, inwards to Novgorod and Moscow, and by Chancellor's discovery their monopoly was now completely outflanked. For Chancellor realised the possibilities of his find. He laid up his ship at the fishing port of Archangel, a Russian outpost then of recent foundation, and travelled overland to Moscow. There he saw the czar, Ivan the Terrible, assumed the position of England's accredited envoy, and negotiated a grant of trading privileges to be exercised by the White Sea route. Ivan was glad to open up a new route to the western Powers and to free himself from the economic tyranny which the Hanse monopoly had entailed. In the summer of 1554 Chancellor returned to Archangel and thence sailed to England, where his news gave great satisfaction. He had heard nothing of Willoughby's fate, and it was at first hoped that that officer had pushed on to the yet happier discovery of the Asiatic passage.

For the present the Company had to exploit the Russian trade, and it did so by despatching Chancellor with a new expedition in 1555. It was then that Willoughby's end was learned from Russian fishermen, and his log and other papers recovered. In the same year the Company received a charter of incorporation from Philip and Mary, with the monopoly of the new trades it was opening up. Its official

title was that of "The Merchants Adventurers of England for the discovery of lands, territories, etc., unknown", but from force of circumstance it was soon popularly called the Muscovy Company. It carried on a thriving business in Russia in its early years, obtaining certain products for which England had been hitherto dependent upon the Hansa, and marketing English cloth and other manufactures. But this active trade was set off by heavy losses of shipping in the wild northern seas—Chancellor was himself drowned on his second return from Archangel—and by the difficulty of controlling employees in a distant land.

The Company regarded Russia as a stepping-stone to Asia, and in 1557 Anthony Jenkinson, its most brilliant servant after Chancellor's death, set out to achieve the discovery by land. He went down the Volga to the Caspian Sea, and thence eastward to Bokhara. He was on an ancient trade route to China, but conditions had deteriorated since Marco Polo had followed it three centuries before. There was now no great Mongol emperor enforcing peace throughout Asia, and the anarchy was so serious an obstacle that Jenkinson had to return. His discoveries did, however, result in the establishment of a trade with Persia. But it was abandoned in 1580, when a Turkish invasion threw Persia into confusion.

The Muscovy Company was not only the first joint-stock corporation chartered by an English Government, and so a means of gaining experience in new methods of exploitation, but also the first English Company to gain direct contact with any part of Asia beyond the coasts of the Levant. It represented an attempt at peaceful expansion without challenge to Spain or Portugal, and its objects were approved by so jealous a critic as Philip II. The north-west voyages and the Levant Company of Elizabeth were the fruit of the same inspiration; but success was to come only from the bellicose efforts of the East India Company.

The search for new markets has hitherto been traced in its eastward manifestations, and they have been found true to type in that they assumed the form of a strictly governed company. It is now necessary to consider the simultaneous moves to the southward and westward, wherein the individualist tradition was to show of what successes it was capable.

The Guinea and Brazil voyages of the early series had ceased at the outbreak of the last French war of Henry VIII. Several of the persons concerned in them must have been living ten years later; yet a new oceanic trade sprang up under Edward VI in such a way as to suggest an independent origin, for it began with voyages to the Atlantic coast of Morocco, and then extended to the Gold Coast and the Bight of Benin. There are, however, connecting links in the persons of James Alday, who claimed to have originated the Barbary trade, and of Thomas Wyndham, both of whom had certainly been

Channel privateers, cruising off the Devon coast in association with Hawkins and the Plymouth men, in 1545–6.[1] According to Alday's account, it was he who revealed the necessary information about Barbary to Sir John Lutterell and other London merchants, who appointed him to command an expedition in 1551. But an outbreak of the sweat killed off the principal adventurers of the voyage. Alday himself was taken ill, and Thomas Wyndham sailed in command of the ship. He reached the port of Santa Cruz in Morocco, traded with success, and came safely home. In 1552 three ships went, again under Wyndham's command, at the adventure of Sir William Gerrard, Sir John Yorke, Francis Lambert and others. They also did good business, obtaining sugar, molasses and dates in exchange for English manufactures. Thenceforward the Barbary trade was well established, and became the especial business of a particular set of London merchants.[2] They maintained resident factors in the country, and were on excellent terms with the Sultan of Morocco. Sugar was at first the principal commodity obtained, but as time went on gum, which was useful for cloth finishing, began to rival it in importance. Too much weight should not be attached to Alday's claim to have "invented" the trade.[3] He appears frequently in the records of the Admiralty court, generally as a defendant, and was in fact being proceeded against for piracy at the very time when he alleged that the sweat prevented his sailing to Barbary. Other evidence suggests that the trade first came to the notice of Englishmen resident at Seville and Cadiz, and that it was originally worked from the latter port as a base,[4] probably long before 1551. Whatever its origin, it became very important in the early years of Elizabeth, and by 1574 was reckoned by the merchants to be more lucrative than the trade with Portugal itself.[5] Portugal protested and claimed a prior interest in the country, but she could hardly describe it as her possession, for the sultan was manifestly an independent prince. Therefore, without raising any general principle, Portuguese ambassadors made accusations of detail against the English merchants, such, for example, as that of supplying Hebrew bibles to the Jews of Morocco.[6]

In 1553, just as Willoughby and Chancellor were sailing for the north-east, the Barbary merchants extended their enterprise to Guinea. The syndicate consisted of Sir George Barnes, Sir John Yorke, Sir William Gerrard, Thomas Wyndham and Francis Lambert.[7] According to a contemporary account by Richard Eden,

[1] H.C.A. Examinations, no. 5, 1546, Oct. 8; 1546/7, Jan. 18, Feb. 5; 1548, Apr. 23, May 5.

[2] See especially H.C.A. Examinations, no. 12, 1559, Nov. 12, 20 and 30; no. 16, 1568, May 29, Nov. 11; and thenceforward many references to end of volume.

[3] Hakluyt, R., *Principal Navigations* (Maclehose edn.), VI, 136.

[4] H.C.A. Examinations, no. 13, 1560/1, Jan. 30.

[5] Shillington, V. M., and Chapman, A. B. W., *The Commercial Relations of England and Portugal*, p. 143.

[6] Brit. Mus., Lansdowne MSS, 171, f. 154 *b*.

[7] H.C.A. Examinations, no. 9, 1554/5, Feb. 6, 12.

the inspiration came direct from Portugal by means of a renegade named Antonio Anes Pinteado, but it is significant that Gerrard sent to Rouen to enlist a French surgeon experienced in the diseases of the coast.[1] The voyage which ensued differed in plan from those of William Hawkins. He had pushed no further east than the Grain Coast, but the expedition now to be described went to the Gold Coast and thence into the Bight of Benin, a much more risky undertaking because the prevailing winds and currents made it difficult for sailing ships to get away again into the open Atlantic.

Three ships, the *Lion*, the *Primrose* and the *Moon* pinnace, the last two hired from the Royal Navy, sailed from Portsmouth in August 1553, with Wyndham and Pinteado in command and crews numbering 140 men. They bought some wines at Madeira, and then touched at the Grain Coast and sailed on to the Gold Coast. There they traded on either side of Elmina, the Portuguese headquarters, and obtained 150 lb. of gold from the negro chiefs. This gold would have been worth £10,000–£12,000 and must alone have yielded a large profit on the voyage; there is no record of the working expenses, but a similar expedition at a later date cost about £7,000 to equip. From the Gold Coast they went on to the mouth of a river in Benin—possibly a channel of the Niger delta—where Pinteado knew of a pepper-growing region in the interior. Here Wyndham and many others perished of fever, and Pinteado died on the voyage home. Less than one-third of the whole company reached England. But the tragic end of this pioneer undertaking was forgotten in the glamour of the profits foreshadowed by the voyage, and the Guinea trade at once became fashionable with the westward adventurers of London. A new syndicate prepared a voyage with three ships and two pinnaces in 1554. Its members were Sir George Barnes, Sir John Yorke, Thomas Lock, Anthony Hickman and Edward Castlyn, of whom the last two were already trading regularly in the Canary Islands. They entrusted the command to John Lock. These Locks seem to have been brothers of the more famous Michael Lock; it is interesting to notice also that Martin Frobisher served in this expedition, having already accompanied and survived the previous one.[2] The voyage was a great success, yielding Guinea grains, ivory, and 400 lb. of gold. Others followed; three of them, led by William Towerson, are recorded in detail by Hakluyt, whilst of several more there are hints sufficient to show that they really took place; and a lucrative trade gave a great stimulus to the individualist form of oceanic enterprise. The importance of this latter point should not be lightly estimated, for the incorporated form might easily have been adopted, as the history of the

[1] Gosselin, E., *Documents pour servir à l'histoire de la marine normande* (Rouen, 1876), pp. 146–7.
[2] *Cal. St. Pap. Foreign*, 1562, no. 102; Lansdowne MSS, 171, f. 148.

Dutch West India Company was to prove. For England these voyages of Mary's reign formed the tradition and determined subsequent development.

The chief reason preventing incorporation was the clandestine nature of the trade. Already, before Lock had returned, Portugal was protesting her right to the monopoly of Guinea and demanding that the voyages should be stopped. The merchants argued that they were not interloping, since they avoided the Portuguese stations and traded with independent negro chiefs—whom they exalted into sovereign kings. They had some show of reason on their side, for Portuguese occupation of West Africa was not, in the present sense of the word, effective. Queen Mary was inclined to support her merchants, but her husband, Philip of Spain, seeing the importance of the principle involved, insisted upon the prohibition of the trade. The Privy Council accordingly forbade the merchants to proceed (December 1555), and on later occasions took sporadic measures to stop the business. Nevertheless it went on throughout the reign; the merchants outwitted their rulers; and there is no doubt, from the continued use of naval vessels and from other indications, that men in high places were conniving at the trade and even investing in it.

Under Elizabeth there was no disguise. Voyage after voyage went forth to the African coast, managed by Gerrard, Sir Lionel Ducket, Sir William Chester, Castlyn, Hickman, William and George Wynter (both Navy officials), and many more, and supported by nobles like Leicester, Pembroke and Clinton, the Lord Admiral. Richard Hakluyt's *Principal Navigations* records some of these voyages and is invaluable for details of a kind which do not appear in official documents. But Hakluyt has been, quite innocently, the cause of some perversion of historical truth. Although he nowhere claims to give a complete register of the expeditions, modern historians have been tempted to assume that he does and to base their conclusions upon his accounts alone, with the result that the importance of the whole business has been minimised and it has been viewed solely through the eyes of the English adventurers whose accounts Hakluyt reproduced. In actual fact it may be gathered from a variety of sources that the number of Guinea voyages was at least four or five times as great as has been commonly supposed, and that the Portuguese had some grounds for complaint even if the English had more. From a close reading of the original evidence the view emerges that the Guinea traffic of this period is one of the fundamental transactions of British expansion, that it produced an oceanic war with Portugal, the first English war of its kind, and that it occasioned the formulation of a British doctrine which was never afterwards abandoned, the doctrine that prescriptive rights to colonial territory are of no avail unless backed by effective occupation.

From the outset Elizabeth took up a definite attitude. She openly approved of the Guinea trade, added a share of its profits to the revenue of the Crown, and recognised that it provided an opportunity for the commercial expansion of which England was in urgent need for reasons which have already been discussed. Charter-parties and other documents passing between the Queen and the adventurers indicate the terms upon which royal warships were hired for some of the voyages. The Crown provided the vessels, rigged and armed them, furnished victuals to the amount of one-tenth the value of the cargoes exported, and bore the risk of total loss, although not that of incidental wear and tear. On their side the adventurers paid the wages of the crews, laded cargo of a specified value, and agreed to pay the Crown one-third of the clear profits of the undertaking besides making good any damage to the ships.[1] The Crown's share was paid over to the Treasurer of the Navy and so presumably was regarded as public revenue, a circumstance which tends to rebut the charge sometimes brought against the Queen of irresponsibly involving the country in dangers for the benefit of her private purse. Another misconception may also be corrected at this point. Sir William Cecil is sometimes regarded as a man of peace who frowned upon all tropical adventures likely to cause difficulties with foreign Powers. However true this may have been at a later period, when Drake at sea and the ultra-Protestants at court were steadily forcing on war with Spain, it was not true of the Portuguese dispute. Cecil evidently saw no reason, up to 1569, to fear Portugal, and he took an active part in the administration of the Guinea trade and in the formulation of English policy towards it; and there is no evidence that he did so against his better judgment.

As in Queen Mary's reign, Portuguese ambassadors were sent to demand the cessation of the English expeditions, but their reception by Elizabeth was very different from that by Mary and her husband. In 1561, 1562 and 1564, three successive envoys appeared in England, and since the transactions between them and the Queen's Government were on each occasion very similar, a single account of the negotiations will suffice. The ambassador opened with a general complaint of the intrusion of English traders into Portuguese possessions of long standing, and with a request for prohibition and punishment. To this the English replied that the Queen was not certainly informed what places and peoples were subject to the King of Portugal, and suggested that the best solution would be for either Power to grant full rights of trade in all its dominions to the subjects of the other. The Portuguese then made a more extended statement. The objection covers, it asserts, the entire coast of Guinea (evidently meaning all West Africa south of Barbary). The Kings of Portugal

[1] Brit. Mus., Lansdowne MSS, 113, ff. 9–17; St. Pap. Dom., Eliz. XXVI, nos. 43–5; XXXVII, no. 61.

have conquered these regions, expending much blood and treasure, and have been careful to distribute their produce freely over Europe, so that it is obtainable by the English as by other nations. Moreover, the King of Portugal restricts the trade even among his own subjects, who need a special licence to engage in it. Only a disciplined and limited trade has any chance of prospering, and the profits have already been ruined by the numbers of interlopers resorting to the coast. As for the contention that some of the places in question are not subject to the King, it is not true. They all acknowledge "more or less" his authority, although he admits that he imposes a lighter hand in some places than in others, for the purpose of spreading true religion by kindly treatment. In this matter he makes a distinction between places conquered by force and those which have voluntarily submitted. With regard to mutual toleration, the Queen, it is true, permits foreigners' trade in the conquered kingdom of Ireland, but so does the King in his conquests of the Algarve and the Azores, and this is a sufficient exchange. He must again press for total prohibition of the Guinea trade.

The ground taken by the Portuguese in this argument is very noteworthy. There is no appeal to the Bulls of Alexander VI, which appear scarcely to be mentioned in any of the surviving documents; and the claim to monopoly is based, by Portugal herself, upon effective occupation and the right administration of a trust in which the interest of other nations is admitted. It has all a much more modern tone than is usually credited to the sixteenth century. The vital question thus became that of defining effective occupation, and on this point the negotiations broke down.

In the English reply, the Queen protests that any restriction is unneighbourly and provocative, but that nevertheless she will for the sake of peace forbid her subjects to resort to any place in Africa under the actual dominion of the King of Portugal. But she contends that the greater part of the regions in question do not acknowledge that dominion. Here a witness is called in the person of Martin Frobisher, who had been captured by negroes in the voyage of 1554–5 and by them handed over to the commander of Elmina. He declared that between Cape Verde and Benin there were only two Portuguese forts, one at Cape Tres Puntas and the other at Elmina, that only the people under gunshot of the forts obeyed the Portuguese, that Englishmen and Frenchmen were accustomed to trade where the Portuguese dared not, and that of missionary work there was none beyond an occasional mass celebrated at Elmina and poorly attended by the natives. Such being the position, the Queen's answer continues, she will not agree to the prohibition of the trade with any places not garrisoned by the Portuguese, more especially as the French are, and have long been, in the habit of exercising those very rights from which it is sought to exclude her subjects. An ironic

thrust concludes the argument, pricking the bubble of the Portuguese contention. If, remarks Elizabeth, the regions in question are really under the King's authority, he can settle the matter himself by forbidding their inhabitants to trade with Englishmen.

With this answer all three ambassadors had to depart unsatisfied. The Queen was as good as her word, so far as it went, for there are documents showing that bonds were exacted of Guinea adventurers not to go to places occupied by the Portuguese. But the latter were left with an undoubted grievance. They had a strong sense of prescriptive right, and in addition they knew that English witnesses like Frobisher had overstated their case. For it is certain that, although there may have been no more garrisons than Frobisher alleged, there were Portuguese factors and officers resident in several negro settlements.[1] In the main, however, it is true that occupation was not effective, and that the majority of the places claimed by the Portuguese were merely visited by them from time to time for purposes of trade. Failing to secure satisfaction in England, Portugal sent out warships to the Guinea coast. There was wild work there, more, probably, than has been recorded, capture of Englishmen, destructive reprisals by their friends, and an extension of hostilities to the Atlantic islands and the seas of Europe. In 1565–6, for instance, the Wynters sent out a ship which was surprised and sunk by a Portuguese armada in the River of Sestos. Although she was only of seventy tons, they claimed that the loss suffered was £7600 and secured letters of marque from the Admiralty court empowering them to take Portuguese property in home waters to that amount. It is typical of the confusion which this irregular warfare produced that one of their first captures was a ship insured in London.[2]

Out of the gold trade with Guinea sprang the slave trade inaugurated by John Hawkins and linking Guinea with the Caribbean. Old William Hawkins died in the winter of 1553–4, when his younger son John was about twenty-two years of age. John Hawkins made several voyages in his family's ships to the Canary Islands, where he gleaned information about trade conditions in the West Indies and made friends with local merchants who could be useful to him. He is also known to have had business in northern France,[3] whose Huguenot adventurers had long been a plague to the Spaniards in the Caribbean. He had thus an inherited and acquired interest in Atlantic enterprise. In 1560–1 he came to London and married the daughter of Benjamin Gonson, Treasurer of the Navy and a partner in the Guinea syndicates. With the backing of Gonson, Sir William Wynter, Sir Thomas Lodge and Sir Lionel Ducket, he made his first slaving expedition in

[1] There are several references to such persons in Cotton MSS, Otho E. viii, ff. 17–41 *b*, an account of John Hawkins's voyage of 1567–9.

[2] H.C.A. Examinations, no. 17, 1570, Apr. 6; Libels, 3/42, no. 106; St. Pap. Dom., Eliz. XLIX, nos. 26, 27.

[3] *Cal. St. Pap. Foreign*, 1553–8, no. 566.

1562–3. He went first to the Canaries, where he picked up a Spanish pilot for the Caribbean. Then he made for the Guinea coast, where his own account, printed by Hakluyt, states merely that he captured some negroes. A version compiled by the Portuguese and submitted by yet a fourth ambassador in 1568 puts a different complexion on the proceeding, alleging that between Cape Verde and Sierra Leone he took six of their ships with well over 900 negroes and much other merchandise.[1] This was his first appearance on the African coast, so that he had no personal wrongs to avenge; yet, if the Portuguese are to be trusted, he acted as a belligerent from the outset. Having thus secured his cargoes of slaves, he went over to the Caribbean to sell them to the Spanish colonists. In so doing he was infringing another Portuguese monopoly, that of the sale of negroes in Spanish America. Spain, having no Guinea stations of her own, leased this right to Portuguese capitalists, by whom the price was enhanced to the detriment of the Spanish planter. Some of the ships taken by Hawkins belonged to the owners of the concession, and one of their witnesses testified to an incident which shows how the English appreciated the situation: *Dixit ipse testis se ipso audiente Anglos alta voce iactasse eo Tractationem nec ad Lusitaniae regem nec adeo Tractatores pertinere, sed ad imperium Anglicum et ad Joanem Decanes* [Hawkins] *spectare.*[2] The *tractatio* evidently means the slaving concession. In Hispaniola Hawkins sold his negroes at a good profit. The colonial officials made no opposition, and he acted as though he expected none, for he left property behind him in the island and shipped some part of his return cargoes to Spain. When, however, the Spanish Government learned of the enterprise, it confiscated the goods and forbade the colonial officials to allow any more trade by Englishmen.

There was here no question of the effectiveness of occupation, as in Guinea, for the nature of the slave trade compelled dealings in established colonies. But Hawkins could claim legality for his traffic by the terms of treaties made with Spain and the Netherlands in the time of Henry VII. In those instruments Philip's ancestors on both sides of his family had bound themselves and their successors to allow English trade in all their dominions without any limitation of the colonies, which, in the nature of things, could not have been anticipated by the negotiators. It has been generally assumed that this was the English contention; yet there seems to be no direct evidence that either Hawkins or the English Government appealed to the treaties at the time of the voyages. However, just as Henry VII himself had sometimes quoted statutes as overriding treaties, so now Philip II brushed aside the English contention, if it was made, without a moment's consideration. Foreigners' trade was positively not to be allowed in the West.

[1] St. Pap. Foreign, Eliz. XCIX, a book of Portuguese complaints, of 97 pages.
[2] St. Pap. Foreign, Eliz. XCV, ff. 242–67, a similar book.

The Queen backed Hawkins, and Cecil did not disapprove, and the syndicate accordingly prepared a second expedition. Hawkins sailed again in 1564 with four vessels, of which one, the *Jesus of Lübeck*, was a ship belonging to the Queen's Navy. This time he sold his negroes in the ports of the Spanish Main, from Borburata along to Rio de la Hacha. The governors, acting on instructions, prohibited the trade, but they did so in a perfunctory manner, and yielded to a show of force by the Englishman. They even gave him certificates of good behaviour at his departure. Once again the voyage was a great success. It excited a vigorous protest from Don Guzman de Silva, the Spanish ambassador in England, and Elizabeth, whether sincerely or not, forbade Hawkins to sail again when his squadron was ready in the autumn of 1566. He remained at home, but three ships laden by him sailed from Plymouth, ostensibly for Guinea, on 9 November.[1] They were away nearly a year, committed depredations about Cape Verde, and sold negroes on the Spanish Main.[2] de Silva, hearing that they had been to the West Indies, asked the Queen to punish the leaders, but nothing more was heard of the affair. Hawkins sailed in person once more in the autumn of 1567 with the *Jesus* and the *Minion*, of the Navy, and four smaller vessels. He concealed his intended destination from de Silva, although not from Cecil and the Queen, who knew at the last moment that he meant to go slaving again. The syndicate consisted of the original members with the addition of Sir William Gerrard, and they had invested a greater sum than before. Hawkins, having taken or destroyed more Portuguese property than ever in Guinea, again forced a trade on the Main, although with more difficulty, and at Cartagena met with a positive refusal. Then he sailed homewards by the Gulf of Mexico, suffered damage in a storm, and put in at San Juan de Ulua, the port of New Spain, for repairs. Shortly afterwards the outward-bound Plate fleet arrived, bearing the new viceroy as a passenger. He exchanged hostages with Hawkins in pledge of friendly behaviour, but suddenly fell upon the dismantled English ships. After a severe battle all were taken or burnt except the *Minion* and the *Judith*, in which Hawkins and Francis Drake respectively made their escape. With their arrival in England in January 1569 the era of western trade was at an end, and that of private warfare and reprisals had begun, the typically Elizabethan era, to which all the irregular proceedings of the past thirty years had formed the prelude.

The disaster to Hawkins was almost contemporaneous with two other events which, coupled with it, had a considerable effect upon English relations with the oceanic Powers. These were the replacement of Guzman de Silva by Guerau de Spes as Spanish ambassador

[1] P.R.O., Plymouth Port Books, 1010/18.

[2] H.C.A. Libels, 3/39, nos. 22, 101; the Portuguese complaint last cited; and Cotton MSS, Otho E. viii, f. 32.

in England, and the seizure by the English Government of a consignment of treasure despatched up the Channel by Philip II for the support of his army in the Netherlands. The money was shipped in a number of small craft which were waylaid by French privateers and forced to take refuge in English harbours. Elizabeth and her ministers could not keep their hands off this wealth, and after promising to pass it safely on to its destination they found a technically good excuse for retaining it. Guerau de Spes, the new Spanish ambassador, a headstrong and foolish man, put Spain in the wrong by his handling of the matter; whereas it is quite possible that de Silva, a diplomatist of tact and personal charm, would have been equal to saving the treasure and avoiding any breach of good relations. As it was, Philip arrested all English property in his dominions and Elizabeth retaliated in the same manner, getting considerably the better of the exchange. The quarrel continued, with suspension of trade, until a compromise was patched up in 1573. These and other circumstances combined to put an end to the unofficial war with Portugal. Gold-trading in Guinea was being overdone, profits were diminishing, and Portuguese armed squadrons were growing stronger, whilst slaves were no longer a lucrative cargo for the West. Drake and a new school of privateers were feeling the attraction of the Caribbean as a cruising ground, and this also relaxed some of the pressure upon Guinea. Finally, the embargo upon English commerce in Spain put a premium upon good relations with Portugal, for it was feasible to trade indirectly with Seville through Lisbon. Accordingly in 1569 England became more friendly towards Portugal and began to prohibit Guinea expeditions, which thenceforward became less common for several years. Negotiations for peace with Portugal began in 1571, but Elizabeth, although not anxious to press the matter, would never formally yield on the question of effective occupation; and in the end nothing was diplomatically achieved but a treaty of mutual abstention from hostilities in 1576. The Guinea question was thus partly suspended, but not settled.

As the reign of Elizabeth advanced, England was steering into very troubled waters, and the question of naval efficiency became vital. A list of the king's ships made a year after the death of Henry VIII shows that there were then fifty-three vessels in the fleet, twenty-five of which were of more than 200 tons. Under Edward VI the Navy was well cared for, but under Mary there was a decline in efficiency, although no great falling-off in paper strength. The total number of ships indeed decreased, but those which dropped out were for the most part of small size; and at the close of Mary's reign a considerable programme of new building was in process of being carried out. The guardians of Edward VI continued the reforms in the administration which Henry VIII had inaugurated. They laid the foundations of the building and repairing yard at Chatham, and they took steps

to place the victualling on a more satisfactory footing under a permanent surveyor, instead of relying, as previously, upon emergency contracts made as occasion arose. During the campaigns against France and Scotland, the fleet did what was required of it, and it is worth noting that in the winter of 1550–1 a Channel guard of twelve ships was in commission, a practice which Henry VIII had made the rule in war time.[1] But there was another side to the question. Until quite modern times dishonesty and shirking of duty have been the constant bane of the civil services of England and most other nations. Honest and efficient administration has been the exception rather than the rule. There are indications that this canker was at work in the Admiralty of Edward VI, and there is proof that it was in that of his successor. In 1555, five ships of the Navy, aggregating 1570 tons, were sold for a total of £88, one of them being the *Grand Mistress* of 450 tons, built in 1545, and now, when ten years old, fetching £35. Here is either incompetence or rascality, and probably a combination of the two. The possible effect of the quarrel with the Hansa, a dispute which reached the stage of non-intercourse in the summer of 1557, has already been mentioned; and in the winter of 1557–8 no Channel guard was afloat in the narrow seas, and the Earl of Rutland, trying to save Calais with reinforcements conveyed in fishing boats, was easily beaten off by the French covering squadron.

One result of the Calais disaster was an outburst of naval construction, which in 1558–9 added several good warships to the fleet. But with the conclusion of peace at Cateau-Cambrésis the effort died down, and for the first ten years of her reign Elizabeth barely maintained the Navy at the strength at which she had found it. There is, however, some evidence of better administration and of an increased interest in naval problems. The Queen claimed that she alone of European princes made an effort to hunt down pirates. She was not very successful in so doing, but she did maintain a Channel police force fairly continuously on duty. Cecil kept an eye on the Navy, and was partially successful in checking the worst abuses. But in 1569 the Navy was not by any means fit for the tasks which it was to perform twenty years later. An immense work of organisation had yet to be undertaken, and a presage of that work may be seen in the arrival in Plymouth Sound of the two battered ships escaped from the carnage of San Juan de Ulua. For it was that day of treachery and murder which gave to the Navy a peerless fighting admiral in Francis Drake, and a first-class administrator in John Hawkins.

Looking back over the maritime record from 1485 to 1569, it is possible to frame some generalisations. During that period England worked for and secured the chief control of the old trade routes from

[1] See Oppenheim, M., *Hist. of the Administration of the Royal Navy*, and Corbett, J. S., *Drake and the Tudor Navy*, vol. I.

her own ports to those of other European nations. But no sooner had she done so than, from world causes, the old trades began to decline in relative value. At the same time she had been opening up new trades with new methods—joint-stock organisation and small individualist syndicates. The individualist form was congenial to the western men, and it was also inevitable in the oceanic trades because some of these trades were more or less illegitimate and could not be formally sanctioned; individualism certainly developed character and enterprise on lines differing from those of the incorporated trades. When this stimulus began to operate, it was assisted by the new financial conditions which were permitting the accumulation on a small scale of the mobile capital essential for long-distance undertakings. The Reformation bore its part by producing in England a social upheaval and a sense of over-population, a prime incentive to colonisation in the next period; and in Europe a re-grouping of the Powers in accordance with religious interests, a re-grouping which the new oceanic ambitions hardened by material considerations. Amidst these changes the Tudors saw the need of a regular Navy. Henry VII laid plans which Henry VIII did much more than realise. Mary held less firmly to the ideal. Elizabeth in her early years gave it only moderate attention, preoccupied as she was with the task of bringing domestic order out of the revolutionary chaos of the preceding generation; but at least she was so far successful as to see the conspiracy of 1571 break down owing to the impossibility of a Spanish invasion. England, it is true, had only a mediocre Navy, but Spain had virtually none at all available for service in northern Europe. In the Mediterranean she had the galleys of Lepanto, and on the ocean a small semi-private squadron of sailing galleons; but the first of these forces was fully engaged by the Turk, and to the second was allocated the duty of guarding the treasure fleets against the privateers. The period of Anglo-Spanish hostility inaugurated in 1568–9 was one in which both countries increased their naval preparations. But England, thanks to the good work of the Tudor sovereigns in the past, was fully able to maintain her superiority.

CHAPTER III

THE BEGINNINGS OF ENGLISH COLONISATION, 1569–1618

AT all periods the development of England's colonising activity has been largely influenced by the course of her foreign relations, and this not less in the days of its beginnings than in the great eras of expansion in the eighteenth and nineteenth centuries. Every practicable way to trade beyond the limits of Europe was blocked by the pretensions of Spain and Portugal to monopoly. Opportunities for the expansion of commerce could be found only at the expense of their exaggerated claims, and in the attack upon them the new maritime nations were led first to seek advanced bases across the ocean and then to establish permanent colonies for trade and plantation. In the previous chapter we saw that Portuguese interests on the African coast were the first to suffer, but later the main object of effort became that trade with the East Indies which for half a century had been pouring riches into the hands of Emmanuel the Fortunate and his successors, and had made Lisbon one of the richest cities in Europe. Portugal held the prize, but Spain was the chief enemy by reason of her championship of the Counter-Reformation, and the earliest colonial attempts were made when some of Elizabeth's councillors saw a way to aid defence in Europe by diversions across the ocean. Their attempts are bound up with the changes in policy that led to the outbreak of the Elizabethan war. During the war years there was a cessation of practical effort, but theoretical interest in colonisation as a means of remedying social evils and strengthening the State was growing and it played an important part in the promotion of the first permanent colonies, when peace came under James I. The period to be treated in this chapter falls therefore into three parts, the years of change that preceded the outbreak of the war with Spain, the time of open war from 1585 to 1604, and the ensuing interval of peace that came to an end when the Thirty Years' War began in 1618.

The story of the first of these periods is not one of connected progress or even of gradual development in the colonial field. It is that of a number of unsuccessful experiments whose most lasting results are to be found in their cumulative influence on the national temper and outlook. A spirit of daring adventure was aroused that set the stay-at-home Englishmen of an earlier age on the road that has made them the most widely scattered of all the European peoples. Such spiritual movements are emphasised in other chapters, and here our

attention will be directed to the more prosaic background of the story, to the connection between the various colonial ventures and their relation to foreign and economic policy. Alongside them we must note something of the development of English mercantile enterprise whereby the foundations of oversea dominion were at last securely laid by the East India and other chartered companies during the later years of our period.

The typical Elizabethan era, the time of private war and reprisals, began in 1569. Englishmen had long been closely associated with the Huguenot party in France in their attacks upon Spanish and Portuguese commerce, and they derived the inspiration for their first systematic efforts across the Atlantic from the great Admiral of France, Gaspard de Coligny. Both French and English merchants had from time to time attempted to establish small posts on the coast of Brazil from which to carry on trade with the natives,[1] but the Portuguese had easily disposed of them. Coligny strongly advocated the advantage of attacking Spain in the Indies in order to weaken her in Europe, and during the war under Henry II he had persistently pressed this policy on the Crown. But with the outbreak of the Wars of Religion France was split into warring factions, and Coligny's maritime policy ceased to be national and was regarded as merely a party interest.

The despatch of an army to France to assist the Huguenots in their campaign in Normandy brought English officers into closer association with Frenchmen than they had been for many years, and to that association we may date the genesis of constructive schemes for English colonisation beyond the seas, for serving together in the camp at Le Havre in 1562 were Richard Eden, Thomas Stukely and Humphrey Gilbert, the first promoters of colonial ideas in England.

Spain was the supporter of Coligny's rivals, the Guises, and in order to weaken her he was determined to continue an aggressive policy at sea. His thoughts were turned to the establishment of colonies on the American coast to serve as outposts for his privateers, and his first colonial enterprise was in Brazil, the scene of French activity almost since the time of its discovery. He gave his patronage and help to the colony of Nicolas de Villegaignon at Fort Coligny in the Bay of Ganabara, where the city of Rio de Janeiro now stands. The colony received a party of emigrants with their pastors who were sent out from Geneva to plant the reformed faith in the New World. But the adventure ended disastrously, for after bitter religious disputes among its leaders the colony was wiped out by the Portuguese in 1560 and the remnant of the colonists massacred or dispersed among the cannibals. In the summer of 1561 when Coligny was governor of the fortress of Le Havre, he summoned a meeting of his partisans and announced to them his intention of despatching an expedition for the

[1] *Vide supra*, p. 33.

exploration of *Terra Florida* preparatory to the establishment of a colony there to be called "New France". He had completed his preparations by the beginning of 1562, and the expedition set sail in February under the command of Jean Ribault, a Huguenot captain of proved worth who was well known to the English Government. Queen Elizabeth was at this time lending support to the party of the reformed religion and was certainly not displeased to learn of the admiral's plans against Spain in the New World. Sailing out across the Atlantic by an unfrequented direct route to avoid Spanish vessels, Ribault established a garrison on the River of May in what is now South Carolina. He called his little fort "Charlesfort" in honour of King Charles IX, and returned to France for reinforcements in July 1562. But the times could hardly have been less propitious, for the first War of Religion had begun, and though an English force had been sent to the assistance of the Huguenots, the struggle was already going against them. Ribault was compelled to flee to England after the surrender of Dieppe to the Catholics in October 1562, and there he wrote for the first time a full account of his Florida enterprise, which was published in English in London in 1563.[1]

Ribault's tract found the English public ready for stories of American adventure, for Richard Eden, who was a personal acquaintance of Sebastian Cabot, had already published a translation of Sebastian Munster's *Cosmographia* in 1553 under the title of *A Treatise of the new India with other new found Lands and Islands*. His next book, which appeared in 1555 as *The Decades of the New World or West India*, contained selections from the Spanish historians of the conquest and had a considerable circulation.

The Queen's attention was drawn to the story of Ribault's expedition by Thomas Stukely, one of the most reckless and unprincipled of the Devonshire soldiers of fortune. The idea of forestalling the French attracted her fancy, for since Ponce de Leon's first discovery of Florida that land had always been reputed to contain rich stores of gold and silver, and Ribault claimed to know where to find the treasure. But Elizabeth made an unfortunate mistake in selecting Stukely to command the expedition that Ribault was engaged to pilot. He betrayed the whole plan to the Spaniards and promised to deliver over the ships to Philip's service.[2] When he sailed in June 1563 he gave himself up to a course of indiscriminate robbery of Spanish, Portuguese and French ships upon the high seas. In all probability he never went near the Indies, but his pretence of a colonising design is of interest in the history of expansion oversea, because it was the first suggestion of American colonisation by Englishmen, and was a link between the projects of Villegaignon and Ribault and those of the later Elizabethans. Further the alleged connivance

[1] For the original text see Biggar, H. P., in *Eng. Hist. Rev.* xxxii (1917), 253–70.
[2] *Cal. St. Pap. Span.* 1558–67, no. 328, de Silva to Philip II, 22 Oct. 1565.

of the English Queen in Stukely's piracy antedated her approval of Drake's designs, and gave colour to the Spanish suspicion of every professed English colonist as a potential pirate.

Cecil knew from the first that Stukely was not to be trusted, and early in 1564 he decided to entrust the Florida design instead to the experienced hands of his partners, the Hawkinses, of Plymouth. John Hawkins, who was ordered to call and report on the prospects of the colony on his return from his second voyage, found that the second batch of French colonists, who had been sent out under Réné de Laudonnière in April 1564, were starving, and he offered them a passage to Europe. This they refused and on his return to England Hawkins reported that there was little prospect of finding treasure in Florida, and the English plans for ousting the French were dropped. The colony came to a tragic and long-remembered end. Ribault's relief ships were cast away in a terrible storm and their shipwrecked crews fell defenceless into the hands of Pero Menéndez de Avilés; no mercy was afforded them; everyone captured was put to death, and only Laudonnière and a handful of followers saw France again.

The massacre horrified Englishmen and fanned the growing conviction of Spanish brutality and ill-faith. Coligny's schemes of colonisation had failed, but they were not forgotten, for though France stood aside from the struggle for forty years, a whole generation of Englishmen took up the fight and bracketed the Florida massacre with the slaughter of Hawkins's men at San Juan de Ulua as justifying the merciless reprisals of their privateering war. From the time of Drake to that of the buccaneers the legend of Spanish treachery was never forgotten. The prejudices and passions that were deliberately fostered by the Queen and her ministers not only keyed up the national spirit, but created the temper in which every English colony from Raleigh's Virginia to Cromwell's Jamaica was planted. If we judge only by the rival propagandists, it would seem that most Englishmen were as incapable of rendering justice to Spain's claim to colonial empire as Spaniards were to admit that every English seaman was not a Lutheran savage. The truth is less highly coloured. The main impetus to English colonisation in the Elizabethan age was the search for economic advantage, and not solely the high-flown desire for revenge and glory that legend has painted it, but we must not neglect the importance of the psychological forces fostered by anti-Spanish propaganda.

Though the English Government made no systematic efforts, like those of Spain and Portugal, to foster colonisation across the ocean, yet in one sense it was engaged in colonising efforts on a very large scale. Colonisation was undertaken in Ireland under direct governmental control for political ends and with public money. The drain in men and treasure was such that, while the Crown was endeavouring to solve the perennial Irish difficulty by planting colonies of English-

men, there was nothing to spare for more distant and less pressing enterprises. The influence of Irish experience in English colonial history deserves study, but only a passing reference can here be made to it. The names of the Elizabethan advocates of western planting are sufficient to indicate the community of ideas in regard to Ireland and America which made men turn in search of profit from Munster to Virginia, from Newfoundland to Kerry, and back again, without any radical change of thought. Even the phrases used in Ireland under the Tudors have a familiar ring in the ears of students of later colonial history. Terms like "native", "colony", "plantation", and "planting" were employed in connection with Ireland fifty years before any English settlement in America was thought of. Throughout Elizabeth's reign and down to the last and greatest plantation of Ulster under James I there were repeated schemes to attract English emigrants, and recruiting agents became expert in setting forth the alluring prospects for those who would settle on the Irish lands of the speculators who employed them. Many of these speculators in the early years of Elizabeth came from the ranks of the lesser gentry of the English west country or of unemployed officers who had seen service in the Irish wars. Thomas Stukely had dabbled in such speculations before he proposed his plantation in Florida, and it was in Ireland that his fellow-Devonian Humphrey Gilbert made his first colonising attempts.

As was stated above, Gilbert was serving in the English army at Le Havre in 1562 and there became interested in the schemes for the expansion of French influence and commerce beyond the ocean which were being discussed among Coligny's followers. After his return to England he took shares in the Muscovy Company and tried to persuade its governors to resume their original purpose and pursue the discovery of a passage to Cathay by the north-east.

Anthony Jenkinson,[1] finding that his new trade to the East through Persia was very precarious, was about the same time taking up the idea of a sea passage. In May 1565 he presented a memorial to the Crown urging a fresh promotion of the discovery,[2] and gave reasons derived from his own intercourse with men from Cathay to prove its practicability. A reorganisation of the Muscovy Company was then proceeding and no answer was returned to the memorial or to later joint representations by Gilbert and Jenkinson. Gilbert then proceeded alone with the project, but turned his attention from the north-east to the north-west, influenced probably by French stories of a water passage beyond the cod fisheries. He prayed for the grant of a licence for an enterprise to discover a passage to Cathay and all other rich parts of the world hitherto not found, together with the government of all territories discovered by him or by his advice

[1] *Vide supra*, p. 41.
[2] St. Pap. Dom., Eliz. xxx, no. 60.

towards any part of the north and west. Such a grant would infringe the exclusive privileges of the Muscovy Company which had just been confirmed by Act of Parliament[1] and Gilbert's prayer was rejected. He turned instead to attempting a plantation in Ireland and under governmental patronage tried to found a settlement of west-countrymen on the shores of Lough Foyle in Ulster. But the attempt failed, and for the next few years Gilbert devoted himself to soldiering and planting in Munster. His continued interest in discovery is only evidenced during these years by the writing of a visionary tract that was circulated in manuscript among his friends and those whom he sought to engage in his schemes.

Between 1568 and 1574 the relations between England and Spain were very much disturbed. Embargoes and counter-embargoes put a stop to the usual flow of commerce, and seizures and reprisals on both sides were incessant. Anti-Spanish projects had a favourable hearing from the Government, but there was a sharp division of opinion in the Privy Council, and the Queen's decisions were incalculable. Burghley desired to pursue a temporising course, for he wished to maintain amicable relations as long as possible with Philip II, the ruler of our best market in the Netherlands. The Earl of Leicester and his ally, Walsingham, favoured a bolder policy and planned to weaken Spain, as France had done in the late war, by attacks upon her communications with the Indies. Their policy was in the ascendant in the early part of 1574, and the second serious proposition for the foundation of an English colony across the Atlantic dates from March in that year. Petitions were presented to the Queen and to Lord Admiral Lincoln by Richard Grenville and certain gentlemen of the west parts who were interested in privateering ventures.[2] They prayed for a commission to embark at their own charges on a voyage for the settlement of "certain rich lands fatally and it seemeth by God's providence reserved for England and the honour of her Majesty". Special orders were sought "for establishing of her Majesty's dominion and amity in such place as they shall arrive unto" and for exclusive privileges of trade. The exact direction of the proposed voyage was not revealed in the petitions, but it was known to those associated with the projectors to lie towards the River Plate beyond the area effectively occupied by the Spaniards.[3] There a colony was to be established as an advanced post whence expeditions might be sent out to penetrate by Magellan's Straits to the undiscovered lands of the great southern continent that was firmly believed to exist. The interest of the proposal lies in the direct

[1] 8 Eliz. c. 23. Not printed in *Statutes of the Realm*. See Page, W. S., *The Russia Co. from 1553 to 1660*.

[2] *Cal. St. Pap. Col., E.I.*, 1513–1616, no. 20; *Cal. St. Pap. Col., Am. and W.I. Addenda*, 1574–1674, nos. 1 and 2; Corbett, J. S., *Drake and the Tudor Navy*, I, 199, 203.

[3] Depositions of John Butler and John Oxenham at Lima, 20 Feb. 1579. *New Light on Drake* (Hakluyt Soc., 1914), pp. 7, 9. See also Williamson, J. A., *Sir John Hawkins*, p. 386.

association of Walsingham with it through his stepson Christopher Carleill. This is the first indication of his policy for furthering anti-Spanish colonising schemes that was of such importance a little later, but it had now to be dropped by reason of a change in the international situation. A new turn in French affairs brought Elizabeth and Philip II into more friendly relations. The Queen demanded from the projectors a security of £30,000 to £40,000 that they would not touch lands belonging to King Philip, and for a time she would consent to nothing that would be regarded by Spain as an unfriendly act. In August 1574 all outstanding claims between the two Powers were settled by the Convention of Bristol, and Walsingham had to put aside his patronage of the corsairs. Grenville and Drake returned to schemes in Ireland, and Carleill went back to his soldiering in the Netherlands.

In 1553 Spanish pressure had diverted English activities for a time from Guinea to the northern seas, and in a similar way in 1574 Burghley furthered the revival of designs for the discovery of an English route to the East Indies by the north, to avoid danger to the old-established trade to Andalusia. The new attempt was financed and led by men who had been connected with the Guinea trade, among whom Martin Frobisher was prominent. He was a nephew of Sir John Yorke, one of the first promoters of the Guinea voyages under Edward VI, and found his first employment in ships trading there. He was for a time a prisoner at Elmina in 1554–5,[1] and in 1566 he planned a piratical attack on the Portuguese there and was brought before the Privy Council and warned to desist.[2] He then turned his attention to finding a way to the Spiceries by the north, but the prior rights of the Muscovy Company blocked his plans and he was unable to get any effective support. At length in 1574, with the aid of Gilbert's as yet unpublished tract *A Discourse of a Discovery for a new Passage to Cataia*,[3] he succeeded in interesting Ambrose Dudley, Earl of Warwick, with whose powerful patronage he could approach the London financiers for funds. Michael Lock and others of his old masters among the Adventurers to Africa took up the scheme, the "Companye of Kathai" was launched as a joint stock, and public subscriptions were invited. The story of Frobisher's voyages to the Arctic and their disastrous results is told later, and we need only note here that the failure and the collapse of the boom in Kathai shares gave a severe blow to public confidence in projects of discovery and colonisation.

A new field for the investment of English capital, especially from the west country, was about this time becoming of increasing importance. Englishmen from the western ports were sailing every season to the Newfoundland fisheries, and the trade not only proved a profitable investment, but became the nursery of skilful seamen and

[1] *Vide supra*, p. 46.
[2] Eliot, K. M., in *Eng. Hist. Rev.* XXXII, 89–92.
[3] See Hakluyt, VII, 158–90.

bold navigators that for centuries made it one of the most valued sources of recruits for the Royal Navy. It was not until the early years of Elizabeth's reign that English barks joined the annual fishing fleets in any considerable numbers. The older fishing trade to Iceland from the east coast ports decayed, and the fisheries of the North Sea were almost wholly monopolised by the Hollanders, who were building up great national prosperity on the produce of their fishing. In the Iceland trade, since Englishmen had to suffer the fierce competition of the Scots and the men of the Hansa, and to win their cargoes almost literally at the sword's point, our fishing vessels were customarily larger and better armed than the French and Portuguese boats, which were small and ill-found. Again, as the English climate is unsuited to the making of salt from sea-water, our fishermen had to purchase their salt at considerable cost in the south of Europe. They had therefore developed a process of curing their fish by drying it instead of heavily salting it. To carry on this process they preferred to fish from shallops near their drying stages on shore, while the French and Portuguese fished out on the banks direct from the barks in which they had crossed the ocean. They loaded their catch wet into their holds and barrelled it with salt, so that they came into harbour only rarely.[1] In these circumstances the English "were commonly lords of the harbours from which they fished all summer, and used all strangers' help if need required . . . in respect of their protection of them against rovers or other violent intruders who did often put them from good harbours".[2] The chief gathering place was in the harbour of St John's, where during the height of the season some hundreds of barks might assemble. The fishing in the Grand Bay, i.e. the estuary of the St Lawrence, was little visited by Englishmen; its fisheries were almost entirely in the hands of the men from Brest and St Malo, who made their headquarters at Cape Breton.

The encouragement of the English fishing industry was an important part of Burghley's policy of gathering all sources of national wealth into English hands. His ordinances to compel the eating of fish in Lent and on fast days afforded matter for facetious comment by the Court wits, but they were parts of a carefully designed plan to encourage English shipping and to provide a nursery for seamen. The lands beyond the fisheries might afford the masts, pitch and other naval stores that England had to import at great cost from the Baltic, and thus be of much importance. Plans for securing control of the fisheries and following up English predominance in the harbours by colonising the inland territory became frequent from 1578 onwards. There is a continuous thread of ideas between Parkhurst's suggestions "that we shall be lords of the whole fishing" and the

[1] See a letter from Anthony Parkhurst of Bristol to Richard Hakluyt the elder, of the Middle Temple, Nov. 1578, Hakluyt, VIII, 9–16.

[2] *Ibid.* VIII, 13.

actual colonisation of the neighbouring shores of New England fifty years later, and always we find emphasis laid upon the joint advantages of fisheries and the provision of naval stores from sources under English control. To Burghley's concern at the prospect of war in 1579 and the need for supplying the Navy we may attribute his furtherance of the reorganisation of the old regulated company of the Eastland merchants and the grant to them of a new and exclusive charter for the Baltic trade.

In the extraordinary complexities of European politics little attention could be spared by the Queen's ministers to affairs beyond the ocean, and Elizabeth herself never appears to have taken much interest in them. But Walsingham, one of the shrewdest and subtlest statesmen of his time, kept them in the forefront of his schemes and to him belongs the proud position of forerunner in English world policy. He held that a struggle with Spain could not be avoided and pointed to the Indies as offering the most vulnerable point for English attack when the time should come. Even the jealous vigilance of Philip II's spies could find no piratical designs in Frobisher's voyages for the Company of Kathai, and they were admitted to be legitimate ventures. But while public attention was focussed upon them, Walsingham and his friends were secretly preparing schemes that were incompatible with peace. In the autumn of 1577 the lull in Anglo-Spanish relations came to an end, and the whole country was in a fever of war. In November, with the connivance of certain members of the Privy Council, Drake slipped away from Plymouth to begin his great enterprise against the Spaniards in the South Sea, unnoticed by most Englishmen and unsuspected by his enemies,[1] and in the same month Humphrey Gilbert presented to the Queen a *Discourse* proposing to fit out a powerful force which, under a pretence of colonising on the St Lawrence, should attack the Spanish, Portuguese and French fishing fleets in the harbours of Newfoundland, and, enriched by their spoils, should raid the Spanish colonies in the Caribbean. There seems to have been no real colonising intention as there had been in Grenville's propositions of 1574. "The diminishing of their forces by sea is to be done . . . by giving of licence under letters patents *to discover and inhabit some strange place* with special proviso for their safeties whom policy requireth to have most annoyed, by which means the doing of the contrary shall be imputed to the executors' fault: your highness' letters patents being a manifest show that it was not your Majesty's pleasure so to have it."[2]

Though the desired licence to sail was not sealed until June 1578, Walsingham assured Gilbert earlier in the year of the acceptance of

[1] One of Drake's ships returned from Magellan's Straits in June 1578, but his exploits in the South Sea were unknown in Europe till late in 1579.

[2] *A Discourse how Her Majesty may annoy the King of Spain*, in Gosling, W. G., *Life of Sir H. Gilbert*, pp. 133–9.

his plan, and he proceeded to equip his fleet. His backers included some minor courtiers who favoured war, but his funds were mainly provided by his own friends and relatives among the west-country gentry. The subscribers included Gilbert's own brothers John and Adrian, his half-brothers Carew and Walter Raleigh, and his old friend Sir George Peckham. The fleet was a stronger and better furnished one than had ever yet left England on an ocean voyage, and the armament was so heavy that the Spanish ambassador Mendoza had good reason to warn his master of Gilbert's hostile intentions.[1] The expedition left Dartmouth in September, but dissensions among the leaders ruined its chances from the start. It was too late in the season to attack the fishermen and before the end of November the only ships that sailed were compelled by storms to return to harbour and to report utter failure. Though the ostensible colonising purpose of the scheme was a sham, Gilbert's patent had some subsequent importance as the basis for his later ventures.

When Drake and Gilbert presented their plans it could not be foreseen that one of them would meet with resounding success and the other with failure. Drake sailed away in November 1577 with a greater design than a mere plundering raid into the South Sea. His instructions, if he ever had any, have not survived, but from other contemporary evidence we can discern that his main purpose was the discovery of new lands and new trades and their annexation to the Crown of England.[2] His proceedings on the voyage amply verify this, and though the later course of events obscured this side of his work, its importance appears when we recall that his plans were drafted in concert with Walsingham. The story of his voyage and his annexation of the western shores of America as *Nova Albion* is told later,[3] and here we need only notice his proceedings when he reached the Spiceries which very probably were his goal from the beginning. He found there such detestation of the Portuguese that his offer to the Sultan of Ternate of a treaty of alliance and protection was cordially welcomed. Whether any formal treaty was concluded has been a matter of dispute, though it is immaterial; such a treaty could never have been implemented. But when Drake returned to England his negotiations in the Moluccas were regarded by the Queen and the Council as one of the greatest results of his voyage and as offering the most permanent benefits.

There is no doubt that in Drake we should see one of the earliest and greatest of our imperial pioneers. His ideas were in advance of the narrow European outlook of his Queen and her generation. Not till she had passed away and peace had come, did Englishmen in

[1] *Cal. St. Pap. Span.* 1568–79, Mendoza to Philip, 16 May, 3 June, 1578, nos. 496, 503, etc.
[2] Declaration of Capt. John Winter, 1579 in *New Light on Drake*, p. 386. See also *ibid.* pp. 318–19 and xxxiii–xxxviii.
[3] *Vide infra*, p. 101.

general begin to grasp his great conception and try to realise his vision of a new England in the West and dream of a vast empire in the East. In after years it was always recalled that the circumnavigator had staked out claims in advance of any but the Portuguese, and for more than a century the results of his work were the sheet anchor of our diplomacy in the East.

After 1569 England's relations with Portugal became less strained than they had been for many years, and in 1576 a treaty for mutual abstention from hostilities was signed by the two Governments. But the respite was only a short one. When Philip II became King of Portugal in 1580, he seemed to have added the empire of the old Indies irresistibly to the "New India" in America of which he was already sole possessor. But in reality the annexation brought him little new strength; it afforded new opportunities for his enemies to enrich themselves at his subjects' expense. Portuguese commerce with the Indies had long been the prey of piratical attacks by the outlaws of the sea. These were now succeeded by quasi-legal privateering, at times on a formidable scale, as reprisals for wrongs done by the Spaniards. French and English corsairs seized greedily on the opportunity, and the "Sea Beggars", who were nominally Philip's own subjects, were not behindhand. The pretext for the assistance afforded more or less guardedly to the corsairs by their Governments was found in the pretensions of Don Antonio, grandson of Emmanuel the Fortunate in an illegitimate line, a weakling who was but a pawn in the tangled game of high politics. Catharine de' Medici staked her chances in the game on the desperate enterprise of her cousin Philip Strozzi against the Azores, where some Portuguese nationalists were holding out for Don Antonio. But the tragic destruction of Strozzi's fleet by Admiral Santa Cruz (26 July 1582), and the massacre of his crews, put France out of the oceanic struggle for a generation. It became clear to some men of the northern nations, and to Drake and Walsingham above all, that while it was hopeless to destroy the Spanish hegemony on the battlefields of Europe, its strength could be sapped upon the ocean and in the lands beyond. The first stage in the new era was begun; oceanic expansion was no longer merely an affair for merchants and projectors, it reckoned as a prime factor in high policy.

For some time Dutch and English merchants had been planning to win a share in the gains to be derived from oceanic commerce in a different direction and to profit by the spoils of Antwerp which was rapidly sinking from its place as the centre of banking and world trade. Bills on Antwerp had been the common commercial currency of the world; and to finance any enterprise of the first magnitude recourse had been made to its international money market. But repudiation and war were proving fatal to its supremacy and the town that could afford the greatest security was likely to obtain a favoured place in international commerce. No French town, not even Rouen which

once seemed to have a chance, could hope to compete in the struggle, for civil war is fatal to mercantile enterprise. The old commercial cities of the Hansa, Hamburg and Bremen, lay too far to the east to be good distributing centres, and only London and Amsterdam remained. Each of them was as favourably situated as Antwerp, and each was better protected from the dangers of war. Each had a nucleus of commercial experience, some stock of fluid capital, gained mainly in the trade of northern Europe, and enterprising merchants anxious to benefit by the break-up of the Antwerp system. But the Dutch had a long start, for they had the privileges of denizens in the Spanish dominions. When in November 1576, during four days, Antwerp was a prey to the sack and fury of the unpaid and mutinous Spanish soldiery, it was to Amsterdam that the fleeing merchants betook themselves. They could bring with them little from the wreck but their immense commercial skill and experience in world trade, the most important of all assets to the rising city. When a little later the United Provinces solemnly abjured their allegiance to the King of Spain and Philip retaliated by forbidding trade with them, English and Dutch were placed upon an equal footing as competitors for world commerce and its necessary accompaniment, the opportunity to gain colonial power. For thirty years their paths lay parallel. The two Protestant Powers only diverged into rivalry when their prime object had been achieved, and the Iberian monopoly was broken.

England, and especially London, had experienced a fairly steady rise in commercial prosperity from the founding of the Muscovy Company down to the Flanders embargoes of 1569, and she had considerably increased her stores of fluid capital.[1] But the five years from 1569 to 1574 were a time of serious depression overcome only by the combined efforts of the Government and the great merchants. These efforts were successful, and the eleven succeeding years were a period of great prosperity that gave the country for the first time sufficient available capital for oceanic trade on the great scale. The main national effort was directed to the pursuit of commerce and to privateering, but the period of prosperity was also marked by the most important colonising attempts of Elizabeth's reign.

By 1581 the great organisations of aliens who had taken the lion's share of English commerce under the early Tudors had been wholly thrust out. English merchants were at last masters in their own house, and both Burghley and Walsingham were anxious for them to compete for any profitable field of world trade. The policy of the two statesmen was directed to a common purpose, the increase of England's treasure, but they differed as to the best means of securing their aim and they drew their support from different sources—Walsingham from the privateering merchants and the courtiers of the war party, Burghley from the more conservative London merchants of the old

[1] See Scott, W. R., *Joint Stock Companies to* 1720, vol. I, chap. ii.

regulated companies and the lawyers. The reorganisation in 1578–9 of the Eastland Company under the lord treasurer's patronage has already been mentioned. He furthered next the foundation of a company to revive the English trade with the Levant that had begun under Henry VIII. The profitable but short-lived trade of the Muscovy Company in the products of the East by way of Persia and the White Sea or Baltic had been blocked by the attacks of the Tartars, but there were high hopes of a profitable trade in the wines and currants of Turkey and of access to the markets of India through Damascus and Baghdad and by way of Egypt and the Red Sea.

Walsingham, on the other hand, favoured an attempt to extend English trade to the East by the long sea route where no dues would have to be paid to the Turks of Egypt or Constantinople. Immediately after Drake's return in 1580 he proposed to the Queen to send him to Calicut to enter into relations with the Portuguese there who adhered to Don Antonio, or to the Moluccas to obtain spices direct from Ternate and to carry forward his treaty.[1] He prepared and submitted a plan for the erection under Drake's governorship of a company for eastern trade and its management on the exclusive Spanish pattern through a *casa de contratación*. At the same time another plan was considered for sending Drake with a strong fleet to assist Don Antonio's partisans in the Azores and establish an advanced base there for English privateers on the track of the treasure fleets.[2] This was the plan that Strozzi ventured upon a little later, and his fate proves that Elizabeth was right in her rejection of both plans as too perilous.[3] Instead, she sent Walsingham to Paris to disentangle her tortuous marriage negotiations and to work for a firm alliance against Spain. He had thus to drop his oceanic schemes which fell into the hands of others of less judgment. The project for the Levant Company proceeded and by the middle of 1581 a capital of over £80,000 had been subscribed by the great London merchants and the Queen, who invested £42,000 out of her share of Drake's plunder. The Company was launched upon a profitable course that we need not here discuss; but its activities were the main root of the later enterprise of the East India Company.

While Walsingham was absent, the Earl of Leicester pushed on the schemes for seizing the Portuguese trade, but they became involved in personal intrigues that boded ill for their success. The Queen would not accept the Azores design though it had already cost a good deal of money, and a scheme was proposed instead for seizing Saõ Jorge da Mina, the Portuguese headquarters on the African coast. Frobisher knew the place for he had been a prisoner there in 1554–5; and he was concerned in a scheme for its capture in 1566; as he was put forward by the promoters for the command, the idea probably

[1] St. Pap. Dom., Eliz. CXLIV, no. 144, printed in *New Light on Drake*, p. 430.
[2] Read, C., *Walsingham*, III, 399–401. [3] Corbett, *op. cit.* I, 325–31.

originated with him.[1] But the plans were changed again and Frobisher retired. As the Muscovy Company provided most of the capital, it claimed a voice in selecting the leaders and drafting their instructions. It would not accept Christopher Carleill, who was nominated by Walsingham, but chose instead Captain Edward Fenton who had been Frobisher's second in command in the Kathai voyages. It was an unfortunate appointment from the first. Fenton's instructions were prepared in accordance with the best advice in the City, and he was ordered to proceed by way of the Cape of Good Hope to the Moluccas and there to open up trade in pursuance of Drake's treaty. But when he sailed in May 1582, he flatly disregarded these instructions. After touching at Sierra Leone he steered to the coast of Brazil on his way to the Straits of Magellan. There he was attacked by the Spanish fleet waiting for him, and, broken and disorganised, his ships had to return to England in June 1583 and almost the whole invested capital was lost. The Cape route was still to remain untouched for ten years more.

Sir Humphrey Gilbert rightly regarded the merchants belonging to the Muscovy Company, who had opposed the grant of his patent in 1578, as his most jealous and dangerous rivals. When it seemed likely that he would be forestalled by Fenton, he turned to the common device of grantees at the time, and tried to find adventurers who would finance expeditions on their own account under assignments of his rights. He found his first assignee in Dr John Dee, the celebrated physician and astrologer, who had long been interested in projects of discovery and frequently entertained at his house in London a small circle of influential friends for the discussion of problems of geography and navigation.[2] As early as 1570 Dee had urged that Englishmen, owing to the situation of their country, might make surpassing discoveries of rich countries if they would only bestir themselves,[3] and in September 1580 he purchased from Gilbert the right of discovery under the patent of all lands to the north of the 50th parallel. Dee made no use of his licence, however, and Gilbert sought for other purchasers of his assignments.

Sir George Peckham, one of his old friends and companions-in-arms, though not himself a Roman Catholic, was closely associated with many recusants. To him and Sir Thomas Gerrard, a well-known recusant, Sir Humphrey in August 1582 made a lease under his patent of the right to explore and colonise 1,500,000 acres upon the coast of North America between Cape Breton and the south of Florida.[4] The proposal was to people these lands with English Roman Catholics who would find there a refuge from the disabilities under which they suffered at home. Walsingham knew of the scheme and

[1] Brit. Mus., Lansdowne MSS, 31, f. 81.
[2] *Diary of Dr John Dee* (Camden Soc. 1842).
[3] In his Preface to *Euclid*.
[4] See Merriman, R. B., *Amer. Hist. Rev.* (Apr. 1908), XIII, 492–500

favoured it from the beginning. The Spaniards also learned of it at an early stage, and compared it to Coligny's projects for colonising Florida with Huguenots.[1] According to Mendoza, the Spanish ambassador, the Secretary was the originator of the scheme, for he saw in it an opportunity to use some of the Queen's disaffected subjects in founding an outpost of English power at the gateway of the Spanish Indies. It was true that Walsingham did much to further the project, and that he was the forerunner of those who saw in the New World an outlet for men who could not accept the religion of the State. But the recusants would not join and the scheme was dropped.

The next of Gilbert's assignees were much lesser fry, but more productive of subscriptions. The ancient port of Southampton had lost much of the commercial prosperity that had enriched it in the fourteenth century and Gilbert's promise that their town should be made the sole port of entry for English ships coming from the projected colonies in America appealed to some of its citizens as an opportunity of reviving their decayed fortunes. They raised a modest capital towards which Walsingham contributed, and again lavish grants of lands and privileges were assigned by the patentee. Richard Hakluyt desired to further the plan as he did all schemes of colonisation, and he was sent by Walsingham to secure aid and subscriptions from the citizens of Bristol.[2] But a rival scheme was in hand. Christopher Carleill with the support of the Muscovy Company was appealing to the Crown for the issue of a new patent in its favour, and ultimately the Bristol merchants seem to have preferred this scheme for their subscriptions rather than that of their Southampton rivals. Letters were sent to the fishing ports of Devon and the west of England urging them to support Carleill's scheme for the colonisation of Newfoundland as a means of furthering their fishing industry.

Faced with this competition, Gilbert realised that, unless he was to be forestalled, he must set out upon his expedition without more delay, and through his half-brother Walter Raleigh, who was rapidly rising in the Queen's favour, he secured her permission to make an immediate start. He set sail from Plymouth in June 1583 purposing to touch first at Newfoundland and then proceed southward to found his colony upon the American coast in warmer latitudes. The heroism and tragic fate of the leader of the expedition are discussed in the next chapter and here we need only remark that Gilbert's real work in the field of colonisation is to be found not in his practical achievements, which were few, but in his unwearied preaching of England's imperial destiny. He was the first of those many advocates of colonisation as a cure for the ills of State, of whom Richard Hakluyt is the outstanding figure. Hakluyt's *Discourse of Western Planting* was written in 1584 to further Raleigh's Virginia enterprise,

[1] *Cal. St. Pap. Span.* 1580–6, no. 275, Mendoza to Philip II, 11 July 1582.
[2] Hakluyt, VIII, 132.

but it was circulated only in manuscript and had to await publication until our own days.[1] It was contemporary with two other tracts directed to the promotion of the colonising schemes we have been describing, Sir George Peckham's *True Report of the late Discoveries and possession . . . of the Newfoundlands by . . . Sir Humphry Gilbert, Knight*,[2] and Christopher Carleill's *Discourse*[3] prepared for the Muscovy Company in 1583. In these three writings, of which Hakluyt's is much the most substantial, the colonising theory of the time is set forth in largely identical arguments which were repeatedly employed during the next sixty years. The tracts explain clearly the grounds upon which schemes of colonisation were put forward for the national benefit during this period. If we disentangle the main lines of reasoning from the appeals to patriotic sentiment and to claims to dominion by right of prior discovery, we find that they are based upon the economic and social advantages to be achieved by the increase of commerce, the promotion of maritime enterprise and relieving England of its surplus population.[4]

Commercial considerations occupy the foremost place. According to the mercantile theory of the time the State should do all it could to limit the importation of goods from foreign sources while encouraging the export of English manufactures. The difference or "balance of trade" would then necessarily be paid in bullion and so the store of national treasure would be increased. But there were many necessary commodities that could not, owing to natural conditions, be produced in England. If wine, silk, sub-tropical fruits, sugar, salt and the like could be procured from English colonies, the demand for foreign produce would be greatly lessened and the balance of trade in our favour increased. All the reports concerning the American coast to the southward laid emphasis on the suitability of the land for yielding such produce. "What commodities soever Spain, France, Italy or the East parts do yield unto us, in wines of all sorts, in oils, in flax, in resins, pitch, frankincense, currants, sugars, and such like, these parts do abound with the growth of them all."[5] Hakluyt himself wrote that "this western voyage will yield unto us all the commodities of Europe, Africa and Asia, as far as we were wont to travel, and supply the wants of all our decayed trades".[6] The northern parts would give us the hemp and cordage, timber, masts, pitch, tar and soap-ashes that had to be procured from the Baltic and paid the heavy Sound dues to the King of Denmark. Peckham and Hakluyt went further and maintained that Englishmen might find in the New World rich mines of gold, silver and precious stones such as

[1] Hakluyt, *A Discourse of Western Planting*, first printed in the publications of the Maine Hist. Society, 1877.
[2] Hakluyt, VIII, 89–131. [3] *Ibid.* VIII, 134–47.
[4] See Beer, G. L., *Origins of the British Colonial System*, 1578–1660, chaps. iii and iv.
[5] Hakluyt, *Princ. Nav.* VIII, 319, Ralph Lane to Hakluyt, from Virginia, 3 Sept. 1585.
[6] Hakluyt, *A Discourse of Western Planting*, p. 19.

those which yielded her treasure to Spain. Such supplies of bullion would directly increase the English stock of treasure, and this argument was especially attractive to those who held to the older views of economic theory, but Carleill was more sceptical about the possibilities of profits from mining, for his patrons in the Muscovy Company must have had vivid memories of the fiasco of Frobisher's enterprise.

To some extent all three writers believed in the possibility of lucrative trade with the American aborigines, for their small numbers and primitive life were not realised in England till a generation later. All agreed however that, to raise the commodities required, English colonists must be transported across the ocean. When they were settled in their new homes, they would need English manufactured goods, whereby a fresh outlet for export trade and thus a new source of profit to the State would be forthcoming. Considerable emphasis was laid upon this argument as foreshadowing a hope of improvement for the decayed trade of English artisans. The transport of goods in either direction would afford increased opportunities for shipping and the employment of mariners, and thus there would be an increase in our reserves of seafarers from whom the Navy might be recruited in time of war. To this advantage the fuller development of the valuable fisheries off the American coast would also contribute largely. By the prosecution of fishing England might redeem herself from her dependence upon the Dutch who held an unchallengeable position in the fisheries nearer home. The vessels needed for the North American fisheries must be larger than those little barks employed in coast fishing, and since they must be armed for protection, they would add considerably to our naval strength.

The third line of argument related to the social benefits that would accrue. In the Elizabethan Age most men held that England was over-populated, and pointed to the great increase of the able-bodied and disorderly poor and the ever-growing army of vagrants. Hakluyt, Peckham and Carleill all urged that colonies in the New World would afford an invaluable outlet for the surplus of unemployed "living altogether unprofitable and often-times to the disquiet of the better sort".[1] The needy and dependent might be transported from the crowded courts and alleys of London and other English cities, thus freeing their parishes from the burden of their support and emptying the hotbeds of plague and disease. The gaols might be cleared of their swarming crowds of petty thieves and vagabonds who "might be condemned for certain years in those western parts especially in Newfoundland",[2] and more serious criminals might be reprieved from the gallows and transported across the sea to aid in building up the new colonies. It is instructive to find thus fully set forth in tracts written in 1583–4 at the very beginning of English colonial enterprise

[1] Carleill's *Discourse*, in Hakluyt, *Princ. Nav.* VIII, 143. [2] Hakluyt, *Discourse*, p. 37.

the root ideas of our old colonial system. They were little modified in their essentials for a couple of centuries, and if we were to attempt to summarise in a single phrase the work of establishing the old English Empire we might say with reasonable accuracy that it was accomplished in a long series of experiments designed to carry into practice the ideas of Hakluyt, Peckham and Carleill.

Returning now to Gilbert's colonising schemes, we may note that they were practically applied in two directions. On the one hand his brothers organised the voyages of John Davis in search of the North-West Passage (1584, etc.) and were supported by Walsingham; on the other, Raleigh, the most favoured of all the family, secured the renewal of his colonising patent on its expiry and attempted, as we shall see, to establish a colony in *Terra Florida* and to find a way through the northern continent to the sea.

Another of the projects which Gilbert had set forth in his memorial of 1577[1] was also revived by Walsingham, and Raleigh with the Council's approval was entrusted with its organisation. Large numbers of Spanish and Portuguese fishermen sailed every year to the Grand Banks, and in June 1585 three ships were sent under the command of Sir Bernard Drake to seize their barks in the Newfoundland harbours or intercept them on their voyage homeward. Orders were given that the vessels captured were to be brought into the western ports without disturbing their cargoes. The crews were to be imprisoned in reprisal for Philip II's seizure in May 1585 of the English ships and mariners in his ports. The enterprise was entirely successful. More than 600 Spanish and Portuguese mariners were seized with their ships and cargoes just when their fishing was completed, and the fish was sold forthwith in England and abroad.[2] For some years the Spanish and Portuguese fisheries off Newfoundland were badly crippled, and the English and the French (including the Bretons, Normans and Gascons) were left as the only serious competitors in the annual voyages.

Elizabeth had now at last been persuaded to sanction active steps against the Spanish Indies and Drake was charged with the fitting out of a powerful fleet with Frobisher and Carleill as his chief lieutenants. But the orders for its departure were delayed for many months by the Queen's irresolution, and the war party determined to demonstrate to her the defencelessness of the Antilles. For this reconnoitring they were already provided with the old cloak of a colonising scheme. Walsingham, Drake and Sidney all aided Raleigh in financing the expedition, and in April 1585 it sailed from Plymouth under the command of Sir Richard Grenville and Ralph Lane with orders to discover the state of defence of the Spanish islands and to

[1] *Vide supra*, p. 61.

[2] Privy Council to Sir John Gilbert, 10 Oct. 1585, St. Pap. Dom., Eliz. CLXXXIII, no. 13.

report home on their arrival in Virginia. Accordingly they landed and fortified themselves for a short time in Porto Rico and again in Hispaniola. Their report was sent off a few days after the vessels touched on the coast of *Terra Florida*, and the information of the Spaniards' comparative defencelessness at last persuaded the Queen to give Drake licence to depart. With a fleet of thirty vessels he sailed out hurriedly from Plymouth on 14 September 1585 before the countermand that he expected could arrive. Drake's fleet was furnished and equipped mainly by the London merchants who had financed the earlier exploring voyages, and it was in similar privateering ventures that they employed most of their fluid capital for the next fifteen years.

The course of events seriously prejudiced the chances of the Virginia scheme. Public interest was diverted to what seemed more important happenings, and the colonising plan shrank to a private venture. The colonists were unable to accomplish any of their designs and the surviving remnant took passage home with Drake when he returned from his Caribbean raid in 1586.

While the Virginia colony appeared likely to interest the Queen, Raleigh had made much of it with ideas borrowed from Gilbert's schemes, but now that it seemed to offer no chance of prestige or profit, he took little further interest. But he still held the rights of his patent, and he was ready to make what he could of them. Some of his associates were more persistent of purpose, and in 1587 John White and twelve others purchased from him a licence of incorporation as "The Governor and Assistants of the City of Raleigh" with power to plant a colony on the shores of Virginia. The assignees of the licence bound themselves to pay certain royalties to the patentee, but he undertook no corresponding responsibility for the adventure, which was wholly the affair of White and his associates. It was even less successful than Lane's attempt. A settlement of some 150 colonists, including a few women, was established at Roanoke during the summer of 1587, and at the desire of his followers White returned to England to secure further help. The times were unpropitious, for England was in the grip of war. A small relief force was got together with difficulty, and when White sailed back in April 1588 his sailors mutinied and carried him off on a piratical cruise among the islands. It was not until three years later that he could try again to succour his deserted followers, and when at last he reached Virginia, scarcely a trace of the colonists could be found. All had perished or had disappeared among the savages. Though Hakluyt had done his best to urge upon Raleigh the great future awaiting him if he would but continue his search for the South Sea through Virginia,[1] the great courtier had had enough.

[1] Hakluyt, "Epistle Dedicatory" to his translation of a French account of Florida (1587), *Princ. Nav.* VIII, 439–45.

The Queen was no longer interested, and his finances were too overburdened with his other schemes to spare money for Virginia. At last, in March 1589, he determined to cut his losses and made an assignment of practically the whole of his rights under the patent to certain of his creditors with results that we shall consider later.[1]

The year 1586 marks the close of the first period of English colonising efforts and the beginning of an interval of some eighteen years during which, though there was considerable theoretical interest in colonisation as a means of remedying social evils, little was actually attempted. None of the colonising attempts that were made during the period of private war and reprisals was successful, but they play an important part in the story, in paving the way to success after the peace. The experience they gained confirmed Englishmen in that habit of reliance upon private effort in enterprise beyond the seas wherein our colonial history has differed from that of other Powers. Individual enterprise and independence of governmental help were as characteristic of the Elizabethan naval war as of the planting of colonies and the search for profitable foreign commerce. The three forms of activity went hand in hand; they were carried on by the same set of men and financed from the same sources of private capital. The Queen was often a partner in the enterprises, but only in the same way as any other capitalist. A proper return of profit was expected whether in a privateering adventure to the West Indies, a speculation in eastern trade or an enterprise of western planting. If a project did not return a reasonable profit, it was difficult to attract investors to further ventures on similar lines. All the colonising expeditions of Elizabeth's reign largely failed from lack of reliefs with fresh supplies. The promoters could not send these reliefs because they had not sufficient capital to fit them out, and they could not attract that capital because their schemes did not hold out any prospect of immediate profit. Those who had ready money to invest could put it to more profitable use in other ways. The time had not yet come when men could see in the planting of colonies beyond the ocean national profit other than by monetary gain.

Now that the war for which they had so long been planning had begun, the most earnest supporters of the idea of colonisation, Walsingham and Drake, were too deeply occupied to spare any thought for it. The merchants who alone could finance oversea ventures found too profitable employment for their ships and capital in privateering voyages, and men of war like Grenville and Carleill had too many opportunities of advancement to continue to further the type of enterprise they had joined in between 1576 and 1586. When letters of marque or reprisal against the Spaniards could be obtained almost for the asking, as was the case during the war years, no ship or mariner need lack for employment, and the source from which the

[1] *Vide infra*, p. 75.

crews of the exploring voyages had been recruited was closed so long as the rover's trade would return a satisfactory rate of profit.[1] The levies for the Queen's service, too, were frequent and oppressive. On the other hand, an outlet for able-bodied vagrants into the armies in the Low Countries and Ireland was opened through the hands of the recruiting agents, and for a time complaints of over-population in England were less frequent. It was not until the inevitable exhaustion of prolonged war made its effects patent in increasing commercial depression and unemployment towards the end of Elizabeth's reign, that advocacy of emigration and colonisation as the most potent cure for social ills became once more insistent.

A few scattered ventures during the war years show that the search for opportunities of peaceful oceanic trade was still being prosecuted by individual adventurers. The easiest of those opportunities lay in the numberless creeks and havens of the West African coast between the Senegal and the Bight of Benin. It is probable that Englishmen never entirely neglected the African trade from at least the middle of the century, but there were few organised ventures, and our information is therefore very scanty. In 1588 a group of west-country merchants from Exeter and Barnstaple with Antony Dassell and another London merchant petitioned the Crown for exclusive privileges of trade along the African coast from the River Senegal southwards to the Gambia. The desired patent was granted[2] and thus the first organised English Company for African trade was established, but we have little or no information as to its history. Hakluyt has preserved for us accounts of two trading voyages to the Benin coast in 1588[3] and 1590.[4] The London merchants who set forward the voyages seem to have made a satisfactory profit, and doubtless other private ventures of a similar kind were undertaken from time to time. There is no doubt that from the beginning the English African trade was an open one unrestricted by monopoly, and this fact is of importance in its bearing upon subsequent history.

When Anthony Parkhurst in 1578 described the fitness of Newfoundland for English colonisation he expressed the hope that profit might be found in a search of the River of Canada, for Frenchmen and "Portugals" were in that river and about Cape Breton.[5] Nothing was done at that time, but in 1591 Burghley was informed that Bretons from St Malo had found a new and valuable source of train oil, hides and ivory by the hunting of the morse or walrus on the shores of an island that they called Ramea,[6] and he was urged to further English competition for this promising source of profit. The heirs of the explorer Jacques Cartier were also endeavouring to obtain

[1] *Vide infra*, chapter IV; also Cheyney, E. P., *Hist. of England*, I, 463–76.
[2] Hakluyt, VI, 443–50. [3] *Ibid.* VI, 450–8. [4] *Ibid.* VI, 461–7.
[5] *Ibid.* VIII, 15. [6] Now Isle Madeleine, *ibid.* VIII, 155.

from the King of France monopoly rights to pursue his discoveries in the River of Canada,[1] and the time therefore seemed fitting for an extension of English enterprise in that direction. The first English voyage was set forth by fishing merchants of Redruth and Apsham in 1593,[2] and another expedition explored the river as far as the Isle of Assumption or Anticosti in the following year in search for the whale fishery that was being exploited by Biscayans from St Jean de Luz; but Breton and Basque fishermen were visiting the fisheries within the Grand Bay between Cape Breton and Newfoundland every year in such rapidly increasing numbers and with such well-armed ships that there was little hope for successful English competition. The Spaniards and Portuguese had mostly been driven out from the fisheries by the war and they never returned in any considerable numbers.

In 1597 Charles Leigh and Abraham van Herwick, merchants of London, made a fresh attempt upon Ramea and the St Lawrence fisheries which is of interest in connection with a project for a colony of those who were dissatisfied with the religious policy of the English Government. A petition was presented to the Lords of the Council by certain Brownists for permission to establish a colony and exercise their own form of worship.[3] The petition was granted, and certain members of the sect departed with Leigh for Ramea, but the project came to nothing owing to the hostility of the French fishermen.[4] This was the last attempt of Englishmen to get a footing in the St Lawrence estuary for many years, and its waters remained a close preserve of the French until at length Samuel de Champlain consolidated their power by the founding of his colony at Quebec in 1608. Our efforts were directed further south, and before the close of the sixteenth century the rival colonising powers in North America had laid down the general lines of their expansion as they were to be maintained for the next century and a half.

After the failure of his Virginia schemes Raleigh devoted little attention to ideas of colonisation oversea and turned his interest wholly to English affairs and the plantation of his Irish estates. But when in 1592 he forfeited the Queen's favour, and was driven into retirement, his fertile imagination again turned towards America as the treasure-house of Spain. The adventurous story of his Guiana expeditions (1594–7) is dealt with in the following chapter. Some writers have ranked the Guiana enterprise high among Elizabethan efforts at expansion. In reality it hardly deserves this credit, for it was but a reversion to the least profitable methods of the Spanish gold-seekers which, save in the case of Pizarro, had never met with success. Its story sounds like a faint echo of the great days of the *conquistadores* that had passed away sixty years before. Raleigh's first

[1] See Biggar, H. P., *The Voyages of Jacques Cartier* (Publicns. of the Archives of Canada, no. 11), pp. 259, 313–14.
[2] Hakluyt, VIII, 157–62.
[3] *Cal. St. Pap., Col. Add.* 1574–1674, no. 47.
[4] Hakluyt, VIII, 162–80.

attempt in Guiana marks the end of the typically Elizabethan colonial ventures, although his voyage under James I revived that type of expedition once again twenty years later. The interval between his return in 1597 and the foundation of the Virginia Company in 1606 covers a change of epoch, and it is in those years that we must seek the beginnings of the first permanent English colony.

The true line of development is to be traced in the later story of the Virginia patent that Raleigh had passed over to his creditors. As was stated above, his financial difficulties as early as 1589 had led him, in order to satisfy his creditors, to mortgage the privileges that had been bestowed upon him by the Queen. Among the least valuable of those privileges was the patent for exploration and colonisation in Virginia. A legal assignment was made transferring the powers of the patent to a group including John White and Ananias Dare representing the "City of Raleigh" colonists who were prepared to go to any colony that might be founded, Richard Hakluyt and others who favoured colonisation on theoretical grounds, and above all Sir Thomas Smythe, the typical merchant venturer.

Smythe occupies an unique position among the founders of the Empire, for he was not only a link between the older and the newer forms of commercial enterprise, but was connected with almost every effort to extend English trade overseas for more than thirty years. His father was the celebrated Customer Smythe who farmed and organised the collection of the Queen's customs for many years and amassed a large fortune; his mother was a daughter of the great merchant Sir Andrew Judd who had been engaged in every sort of mercantile venture under Henry VIII. Sir Thomas therefore began with considerable ready capital, and this he invested in the cloth trade of the Merchant Adventurers. He was one of the original members of the Levant Company in 1581[1] and was also a large investor in the enterprises of the Muscovy Company. He took part in profitable contracts for the victualling of the Navy, but he seems to have avoided investment in privateering enterprises. He supported the views of the mercantile party that the national interest could best be served in the fostering of peaceful trade and he took full advantage of the change in the international situation in 1598–9.

France made peace with Spain by the Treaty of Vervins in May 1598, and Burghley did his best to bring about a general peace that should include the Dutch and secure freedom of maritime trade. But these efforts failed, and later in the same year Elizabeth and the States-General agreed to further joint naval efforts against the oversea possessions of the common enemy. The main result of this agreement was a favourable attitude on the part of the Government towards the organisation in 1599 of an East India Company on a large scale for the exploitation of the Cape route to the Spiceries. The prime movers

[1] Hakluyt, v, 193.

came from the Levant Company, and Sir Thomas Smythe, the organiser of the enterprise, filled the position of governor in both bodies.

When Essex left the court in 1599 to serve as lord deputy in Ireland, the ascendancy in the Council passed to the peace party and definite negotiations with Spain were opened at Boulogne.[1] The envoys were instructed to demand freedom of trade to the Indies on the same terms as the old trade to Spain and Portugal, and in return to promise a concession as to colonies. "We are contented to prohibit all repair of our subjects to any places where [the Spaniards and Portuguese] are planted, but only to seek their traffic by their own discoveries in other places, whereof there are so infinite dimensions of vast and great territories as themselves have no kind of interest in."[2] This was a clear statement of the doctrine that only effective occupation could be recognised as giving a valid title to new lands, but the Spaniards were not prepared to agree to this doctrine whether put forward by England or by France, and the negotiations of 1600 in consequence proved abortive. The state of war continued until, on Elizabeth's death in March 1603, James I succeeded to the throne. In May 1604 fresh negotiations for a definite settlement were opened in London, and again the English representatives strove hard to secure an acceptance of their doctrine that, subject to customary commercial restrictions, trade to the Indies both East and West should be as free as to the European possessions of the King of Spain. They also sought for an acknowledgment that our men might legitimately colonise in unoccupied lands discovered by them, but no acceptance of these propositions could be obtained, either formal or informal. Ultimately all reference to the lands beyond the ocean was omitted from the treaty save indirectly in an article that was studiously left ambiguous. It was merely stipulated that there should be free commerce both by land and sea between the subjects of the two parties "in all and singular their kingdoms, dominions [etc.] where commerce existed before the war, agreeably and according to the use and observance of the ancient alliances and treaties before the war".[3] Herein lay the ambiguity, for whereas the English traders had always maintained that no treaty or agreement had ever prevented them from sailing to the Indies as freely as they could to Seville or Lisbon, the Spaniards denied such free commerce on the authority of their own domestic regulations. The result was that the matter was left by the Treaty of London to be hammered out in practice until some workable compromise could be reached.[4]

The lines of the compromise appeared early, for each party insisted on one of their claims and rather neglected the other. The Spaniards were immovable in their refusal of freedom of trade to America,

[1] Treaty of Westminster, Aug. 1598, in Davenport, F. G., *Treaties bearing on Hist. of U.S. to* 1648, p. 241. [2] *Ibid.* p. 247 n. [3] *Ibid.* p. 256.
[4] See Stock, L. F., *Proceedings and Debates of British Parliaments respecting N. America*, 1, 12, 17.

though disputes and long-drawn wrangles on this subject were to endure until the very eve of the independence of the colonies in the nineteenth century. On the other hand, Spain found herself unable to guard every part of the regions that she claimed, and she had to concentrate her efforts. With very few exceptions her effective occupation had reached its maximum extension before 1604. From St Augustine at the mouth of the Florida Channel in the north to Buenos Aires in the south fairly effective Spanish or Portuguese control had been established along the whole of the American mainland coast save in Guiana. The greater islands of the Antilles were firmly occupied except the western part of Hispaniola, but the lesser were neglected, and North America above the latitude of St Augustine was untouched by the Spanish power. It was, therefore, to these three easily accessible but neglected regions, North America, Guiana and the Lesser Antilles, that the colonising activities of the other nations were mainly directed. The Dutch conquest of a part of Brazil is the only important example of another nation occupying an Iberian colony and that occupation was only temporary. Jamaica never had more than a handful of Spanish colonists. It was not until the conquest of Florida in the eighteenth century that the limits of actual Spanish occupation were effectively reduced. The Treaty of London is therefore an important landmark in the history of European expansion as the close of one epoch and the opening of another.

The conclusion of the war and the attitude that the Government had taken up during the peace negotiations obviously made the time propitious for a revival of activity by the advocates of colonisation. Suggestions were soon made to the Council that private purses were inadequate to bear the heavy expense of the founding of such colonies as the country needed for the disposal of its surplus population, and that a public stock should be raised by commissioners appointed by the Crown "for the peopling and discovering of such countries as may be found most convenient for the supply of those defects which the realm of England most requireth".[1] The King's honour should be pledged to assist and protect the project, for foreign nations would then be less likely to threaten the colonies, and contributions would be more readily obtained for their support. We have only fragmentary indications as to the deliberations of the Privy Council on such matters, but everything tends to show that the Earl of Salisbury and his colleagues were closely interested in the fostering of oversea trade as the best means of expanding the customs revenue[2] and that they looked to colonisation as one method of assuring this. The way was thus prepared for governmental sanction and some measure of support for any schemes put forward by responsible persons.

[1] "Reasons for raising a Fund," Brown, A., *Genesis of U.S.* I, 37–42.

[2] Newton, A. P., "The Great Farm of the English Customs" in *Trans. R. Hist. Soc.* 4th ser. I, 129–55.

There were two active groups who were interested in such projects. Sir Thomas Smythe and other London merchants who led the East India, the Levant and the Muscovy Companies had been the holders of such rights as remained under Raleigh's patent of 1584, and desired to find sources of raw materials that might be kept under English control and reduce our dependence on Spanish supplies. On the other hand, many of the fishing merchants in Bristol and the west of England were anxious to discover new fisheries and to profit by the fur trade with the savages on the coast of Norumbega that had already been exploited to some extent by the French. Various private voyages had been made to that coast between 1602 and 1605, and the ships had returned with cargoes of the valuable drug sassafras and optimistic accounts of the excellence of the fishing. There were associated with this west-country group certain of Sir Humphrey Gilbert's family and Devonshire friends who had a traditional interest in colonising schemes, and two public men of importance in the west country who advocated emigration as a relief for the growth of crime and pauperism, Sir John Popham, a Somerset lawyer who had risen to be Chief Justice, and Sir Ferdinando Gorges, a well-known soldier who held the governorship of Plymouth. Popham and Gorges were the link between the Government and the western group, and the latter's activities in the colonising field were for many years surpassed only by those of Smythe, the mouthpiece of the London associates. Hakluyt by his writings and by personal contact influenced both groups, and certain noblemen like the Earl of Southampton were associated with the scheme from the beginning, though the part they played at first was not so important as it became a few years later. From the first, therefore, the colonisation of Virginia excited national interest to a unique degree, and this had no doubt a considerable influence on the fortunes of the colony.

The Government did not accede to any suggestions for direct assistance, and left the two groups of promoters to raise their own capital by subscriptions in the regular way of a commercial company. But in place of a grant of two charters for separate schemes, a single patent was issued establishing a system of management in which the Crown played an essential part and which was quite unprecedented. This was important as involving the national honour in the protection of the project, and the King of Spain was thus deterred from action against the colonists such as was urged upon him by certain of his advisers.[1] A Royal Council for Virginia of thirteen or fourteen members nominated by the Crown was created to sit in London and to have general administrative control over the whole area included in the grant, i.e. between the 34th and 45th parallels of latitude.[2] The

[1] See, e.g. Brown, *Genesis of U.S.* I, 100 and various letters of Zuñiga there printed.
[2] *Ibid.* I, 53.

colonies were to be governed in accordance with "Instructions" issued by the Crown, and the first set of these Instructions prescribed the entire judicial, administrative and commercial system to be established. The exact area within which each colony was to be planted was indicated in the patent, but the land was not handed over to the patentees in such a way that they could give valid titles to the settlers. It was provided that such grants could be made only by the Crown,[1] which therefore stood in the same legal position towards the land in the colonies as it did in England. In each colony a council of thirteen members was to be set up with power to choose a president and fill vacancies as they occurred, and grants of land by the Crown were to be made upon the petition of these local councils. The duties to be performed by the councils were naturally in the main of an economic character, but the councils were also empowered to make local regulations in the nature of laws so long as they were not repugnant to the laws of England. Thus from the beginning the colonists carried with them overseas into land of the Crown not only their allegiance, but also—a matter of the greatest importance—their English law and their indefeasible rights as Englishmen. The colony was not a swarming-off such as all the ancient Greek colonies had been, but the passing of an organised group of English subjects into an outlying portion of the king's territories, expanding his Empire as they passed. The system of government outlined in the Virginia charter was dual in character, royal in matters of government, proprietary in matters of economic organisation—thus leaving a great deal to private initiative and admitting of diversity of detail within a strong and flexible framework of unity.

The provisions of the charter and the "Articles and Instructions"[2] that were handed to the first governor of the colony to guide him in its management represent the best thought of the time on colonisation. They were very carefully drawn up in consultation with Hakluyt and other theorists and with the legal advisers of the Crown and the Company, and that many of them proved unworkable is no reflection on their authors. The whole adventure was an experiment in a yet untrodden field, and we should rather remark the soundness and liberality of the principles than criticise the impracticability of many of the details. The Instructions show that their authors realised something of the fact that the foundation of a successful colony was dependent upon material considerations, but it took generations of experience and the sufferings and death of a multitude of pioneers before it was discovered how best to contend with the difficulties of the untamed wilderness.

The early days of the "First" or "London Colony" in South Virginia were a time of almost unrelieved tragedy of famine and the

[1] Clauses 18 and 19 of the Charter.
[2] Hening, W. W., *Stats. of Virginia*, I, 67–75; Brown, *Genesis of U.S.* I, 65–75.

ravages of disease, but we can only refer to them very briefly. The first expedition[1] left England on 20 December 1606 in three ships, the *Susan Constant*, *Godspeed* and *Discovery*, hired from the Muscovy Company. They were commanded by Sir Christopher Newport, a seaman who had won high reputation during the war and who was later to do good service for the Empire in the East Indies. It was determined to establish the colony further to the north than the scene of earlier attempts and the land round the estuary of the Chesapeake was fixed upon as being further removed from any possible trouble with the Spaniards. Sailing out by the well-known route by the Canaries and the West Indies, they reached Virginia in May 1607, and the first settlement was made at James Fort or James Town on a low island or peninsula not far removed from the entrance to the river. The site was unfortunately chosen, for the neighbouring swamps bred malaria and the native Indian tribes were none too friendly. Newport left about a hundred settlers to man the fort and begin the clearing of the forest and sailed back to England for fresh supplies. When he returned six months later, more than half the little company, including the first governor, Bartholomew Gosnold, had perished, and the remainder were bitterly quarrelling and on the verge of starvation. Before he left again, fire had consumed the first dwellings and store-houses and only fifty-three men remained to continue the struggle.[2] Luckily there was among them a born leader, Captain John Smith, and to him more than to anyone else their ultimate success was due.

Meanwhile the "Second" or "Plymouth Colony" was founded in August 1607 in North Virginia on a rocky peninsula at the mouth of the Sagadahoc or Kennebec River, and was called Fort St George. Its management was most inefficient, and after a very short time the majority of the colonists returned to England complaining bitterly of their hardships and of the severity of the climate. The resources of the Plymouth Company were inadequate for the despatch of regular supplies, and after the final abandonment of Fort St George in 1608 the interest of the members was diverted from colonisation to the exploitation of the fisheries off the North Virginia coast. Some profit was also obtained from the fur trade with the Indians, and the coast was so fully explored as far as the entrance to the Grand Bay that by 1610 the Government was furnished with a fairly accurate map of the whole region.[3]

The London colony at James Town was now being slowly established upon a firm footing, and, profiting by earlier experience, the efforts of the colonists were directed to clearing some ground and

[1] Brown, *Genesis of U.S.* I, 152.
[2] Brown, A., *First Republic in America*, pp. 55 seqq.
[3] Reproduced in Brown, *Genesis of U.S.* I, 456, and the northern portion in Burrage, H. S., *The Founding of Colonial Maine.*

planting crops for subsistence; the cultivation of maize was learned from the Indians and certain men were charged with the regular duty of supplying the settlement with fish and game. It was long before the colony became self-supporting, but the attention paid to securing its own subsistence did more than all else to carry it through the early difficulties wherein so many previous attempts had failed. The new leader, Captain John Smith, who came into power by an extraordinary series of accidents, was a man of exceptional personality and fertility of resource. In his writings and speech he tended to paint his adventures in such glowing colours that he has sometimes been regarded as a braggart and his stories as self-glorifying romances. But it cannot be denied that he rendered first-rate service to the building of the empire, and that he deserves a more favourable verdict than some writers have accorded him. After an adventurous career as a soldier of fortune in the Turkish wars, Smith was named as a member of the first resident council in Virginia, and, becoming "cape-merchant", he was responsible for the obtaining of supplies from the Indian tribes. The council system soon broke down, and he ruled the colony for a time as undisputed master. He held to the principle that he who would not work should not eat, and by his energy cured the evils of insubordination and laziness and carried the settlers through the critical winter of 1608–9.

The popular interest in Virginia that had been excited in 1606 soon died away as it became clear that there were no rapid fortunes to be made, and that the establishment of the colony would be a toilsome and expensive process. The Royal Council ceased to function, and the control of the enterprise passed almost wholly into the hands of Sir Thomas Smythe and a few of his merchant associates. They found the proprietary provisions of the 1606 charter ineffective, for there was no authority charged with the double task of recruiting and supplying the colony and moved by the incentive of possible profits. In 1609 the merchants took the lead in petitioning the Crown for a new charter modelled on those of the trading companies, with the working of which they were familiar. Their petition was acceded to, and the London Company was incorporated as the proprietor under the Crown of the province of Virginia with the title of "The Treasurer and Company of Adventurers and Planters of the City of London for the First Colony in Virginia". Sir Thomas Smythe was appointed treasurer, and thenceforward for eight years he was the undisputed leader of the enterprise. This was a matter of great importance, for along with experience and skill in mercantile organisation he possessed determination, persistence and a command of capital that was essential to overcome the difficulties of a very costly experiment. Too much attention has been directed in the past to the men of high position whose names are mentioned in the charter as in most similar documents of the time, and the part played by the London

merchants has been somewhat neglected. In reality the nobles and courtiers were for long merely ornamental additions whose names looked well on what we should now call a "prospectus"; the real work was carried on by Smythe and his associates.

The Second Charter of 1609 was amplified by a Third Charter in 1612 and their provisions may be jointly considered.[1] The general government of the Company was placed in the hands of the whole body of the shareholders assembled in the General Court, which was to elect a council in London to carry on the executive functions, and a treasurer, the supreme executive officer. The membership of the Company could be increased by the issue to "adventurers" of shares of £12. 10*s*. apiece in the common stock, while those who emigrated to the colony were termed "planters" who invested as their contribution their labour and that of their families and servants. The appeal of the enterprise was well and systematically advertised, and subscriptions were invited from all classes in the community. These invitations met with such success that practically all the Livery Companies in the City of London and many persons of influence in governing circles became subscribers. The subscribers to the Plymouth Company were invited to turn their interest to the new venture and many took shares. The restrictions on the area of the Company's planting activities were removed and, between the extreme parallels bounding their grant, a hundred miles north and south of Point Comfort on the Atlantic coast, the rights of the Company ran indefinitely west and north-west to the sea beyond the American continent. It is probable that those who drafted this provision had some vague knowledge of the great lakes in the north-west and mistook them for the farther ocean. The immense distance separating the two shores of the continent was as yet quite unrealised, but the provision was to have considerable influence on the enterprise of English-speaking people in later years. The business of the Company under the new charter was cleverly organised and efficiently carried on, and of ill-informed interference from England with their measures the colonists in Virginia had little to complain.

Smythe as treasurer was responsible for the appointment of a sole and absolute governor for the colony with functions similar to those of the commander of a fortress, and in the spring of 1609 Sir Thomas Gates, a soldier of high reputation who had seen considerable service in the Netherlands, was despatched with 500 colonists to recruit the meagre number of sixty men to which the 300 earlier settlers had shrunk. The ravages of hardships and disease had proved terribly costly, and the Indians when Smith's control was removed had become very hostile and had made several damaging attacks upon the settlement. Gates was provided with a carefully drawn set of instructions laying down the broad lines of policy which in concur-

[1] Second Charter, Brown, *Genesis of U.S.* I, 208–37; Third Charter, *ibid.* II, 540–53.

rence with an advisory council in the colony he was to adopt. These instructions were similar in many respects to the later Instructions issued to colonial governors on their appointment to amplify and explain the more formal instruments by which they were appointed.

Gates's expedition of 1609 was very unfortunate, for, encountering a violent storm, its vessels were wrecked upon the islands discovered by Juan Bermudez, which had proved so disastrous to the Spaniards that they were known as the "Isles of Storms". There Gates and his second in command, Sir George Somers, an old companion in arms of Raleigh, lost their ships with the larger part of the ships' companies. The survivors contrived to save themselves from starvation by catching turtles and hunting the wild pigs which abounded in the islands. They succeeded in building from the wreckage of their ships a pinnace in which they completed the voyage to Virginia, but they reached it only to find on their arrival that the few remaining colonists were on the verge of starvation. Men were therefore sent back to the Bermudas to replenish their stores. The famine was relieved and the islands now figured as a most desirable place for permanent settlement.

When the Company at home learned of Gates's and Somers's disaster, Smythe decided to send out to Virginia a strong expedition with many farmers and artisans, and the command of it was entrusted to a man of high rank, who, it was supposed, would be able to claim a larger measure of obedience. Thomas West, Lord de la Warr, who had won considerable repute for his leadership of English soldiers in the Dutch service, was chosen for the appointment and was granted by his commission full martial and executive powers over everyone in the colony. He arrived in Virginia in 1610 just in time to save the colony from abandonment, and soon changed the condition of affairs; the colony was put into a proper state of defence, and by severe discipline all were compelled to work for the common benefit and were maintained from the common store. A stringent code of written laws was drawn up, modelled in part upon the military code prevailing among the armies in the Netherlands. Lord de la Warr died in 1611, and the enforcement of these laws was mainly left to his successor, Sir Thomas Dale, a rigorous soldier who had seen much service. The code remained in operation for a period of nine years, and though its provisions for enforcing discipline and regular work seem incredibly severe, even they failed to enforce satisfactorily the communistic system of labour and maintenance that had been adopted on the direct orders of the Company. In Virginia under Dale's code the system received its fullest trial at the hands of capable and energetic administrators, but though it always recommended itself to theoretical colonisers, yet, as in every other case where it has been tried, it gradually broke down and had to be replaced by a regulated individualism.

By 1616 when the transition was well under way, the Virginia settlers consisted of three classes. The "officers" cared for the military

protection of the colony, looked after the distribution of the Company's communal stores that were sent out from England, and saw to their replenishment by trade with the Indians; the "labourers" included the agricultural servants who had been sent out at the Company's expense under the indentures, and most of the artisans. They had to work for the greater part of the year for the benefit of the colony, the profits of their labours going into the general store, but they were allowed to do a certain amount of work for themselves and could gradually acquire sufficient property to redeem their indentures, and thus join the third class of "free-farmers". These had come out to the colony with their families at their own cost, and were granted twelve acres apiece to be cultivated free of rent for the first year under an ordinary system of tenant right. In these farmers or planters the colony had a firm nucleus for future growth, and it gradually began to extend from James Town in scattered clearings along the banks of the creeks and rivers that formed the only avenues of transport through the primeval wilderness.

Dale left the colony in 1617 to take service under the East India Company. With the definite appointment of his successor, Sir George Yeardley, the colony was established on a sound basis and to the growth of its future prosperity the discovery of a profitable staple product for export made a valuable contribution. Originally the new colony of Virginia had been expected to supply naval stores together with potash and the silk, wines and drugs which were imported in large quantities from southern Europe. The hopes of finding supplies of the precious metals were very early disappointed, and none of the other commodities could be produced upon a profitable scale owing to lack of labour and of the skill necessary to start industries under the primitive conditions prevailing in the colony. Tobacco, despite the prohibitive duties at first imposed upon it as an illicit drug had, since the beginning of the century, been imported into England from the Spanish Indies in rapidly increasing quantities. It was soon found that it could be raised to great advantage with comparatively little labour in Virginia. The high prices that prevailed in the home market gave the colonists a large return on the parcels they sent to England and enabled them to pay for the manufactured articles which they had to import and which otherwise must be supplied at the cost of the shareholders of the Company. As early as 1616, therefore, tobacco became the principal article of export of the colony, and though the Government did all it could to divert the energies of the colonists to the production of other commodities, the effort was in vain, and the Company found it advantageous to encourage the growth of tobacco and to make this the standard of barter for all the articles it disposed of from its magazines. But such action necessarily soon led to over-production, a decline in price, and economic difficulties both in Virginia and the Bermudas.

The glowing reports of the fertility of those islands brought to England after Somers's shipwreck in 1610 induced the Virginia Company to secure such an extension of its charter as would include them in its field of plantation, and this was effected by the new letters patent or Third Charter procured in 1612. As usual, the Company needed to attract fresh capital if it were to undertake fresh responsibilities or even to discharge properly those with which it was already burdened. But the time was very unpropitious. During the three years since the granting of the Second Charter the Government had embarked upon a very large and costly plantation of Englishmen and Scotsmen upon the confiscated Irish lands in Ulster. This absorbed all the spare capital and energies of those who might have been expected to subscribe new capital to the Virginia Company, and the burden of planting the Bermudas was left to be undertaken by those who were personally interested in the Company and its fortunes. Nothing was done, however, to occupy the islands until certain of the more active members of the Virginia Company in 1615 took over its rights and founded a new Company known as "The Company of the Plantation of the Somers Islands". The organisation of this new enterprise was closely similar to that founded under the Virginia Charter of 1609, and Sir Thomas Smythe became the first governor. The islands were systematically surveyed and mapped out into "tribes" and hundreds called after the principal members of the Company. Each of the large subscribers had an area of land allotted to him and sent out at his own cost a number of indentured servants to work and cultivate it. The development of the colony was closely bound up with that of Virginia, and parallel with it both economically and politically. Its well-preserved early records[1] are therefore of interest, since Bermuda is the colony that has owed the longest uninterrupted allegiance to the British Crown. But it was always small and it did not exercise much influence on the general course of imperial development. It came into public notice principally because of the difficulties that were caused with the Spanish Government by the piratical tendencies of the colonists, and the Bermuda Company was thus involved in the acutely debated controversies that raged round the unpopular foreign policy of the King.

Though the Spaniards were unable to take effective steps to expel the English colonists from their new colonies, they made repeated protests through diplomatic channels against what they claimed to be an intrusion on their territory. Secret agents were employed to report what was going on in Virginia, and Philip III was kept almost as fully informed as the English Government of the progress of the colony.[2] But in reality Spain had ceased to be an effective

[1] Printed in Lefroy, J. H., *Memorials of the Bermudas.*
[2] See Brown, *Genesis of U.S., passim.*

competitor in the territory north of St Augustine, and a new international rivalry for colonial power was beginning in which the French and the Dutch competed with England for control of the North American coast and its fur trade and fisheries. Dutch expeditions and notably that commanded by the Englishman, Henry Hudson, were busily exploring the coast to the north of the Virginia colony; they laid claim to all the land between Cape Cod and the Delaware with indefinite limits towards the interior, but they did not undertake any permanent occupation until 1621. The English feared more their French rivals who had established settlements to the north, and in 1612 the Virginia Company determined on a serious effort to expel them.[1] Captain Samuel Argall was ordered to clear the territory as far as the English claims extended, and in the summer of 1613 he proceeded to break up the French settlements that had been recently established. He took as captives to James Town several of the Jesuit missionaries who had begun a mission to the Indian tribes at Mount Desert, and burned Port Royal, the French colony on the Acadian peninsula. Thus began the long struggle between England and France for the possession of North America.[2]

The maritime nations were entering into competition not only on the American coast to the north of the limits of effective Spanish occupation, but English, French and Dutch were also trying to build up a trade with the Indian tribes in the ill-explored region known as Guiana between the easternmost Spanish settlements at the mouth of the Orinoco and the delta of the Amazon beyond which lay the Portuguese colonies in Brazil.

One of the principal articles of trade was tobacco, and it seems to have been in Guiana that Englishmen first attempted to cultivate the plant instead of purchasing it from the Spaniards.[3] The first settlement there was planned in 1602 by the Captain Charles Leigh who had made the attempt at Ramea in the Gulf of St Lawrence in 1597. Leigh was financed by his brother Sir Oliph Leigh, and from 1604 to 1606 he tried tobacco planting on a small scale on the banks of the River Wiapoco[4] in eastern Guiana. Friendly relations were established with the Indian tribes on the coast, but the colony was troubled with dissensions from the first. The promoters in England sent out supplies and reinforcements in 1605 by a vessel called the *Olive Branch*, but the powerful currents along the Guiana shore carried them past the entrance to the river and they found it impossible to return. Only a remnant of the colonists survived the unhealthy climate, and they could not afford to purchase from the Dutch slavers the negroes required for their plantations. The

[1] Brown, *Genesis of U.S.* II, 709–23.
[2] See Purchas, S., *Pilgrims*, XIX, 214–16; Biggar, H. P., *Trading Companies of New France*, pp. 263–5.
[3] See Williamson, J. A., *The English in Guiana*, 1604–68.
[4] Now called the Oyapock in the colony of French Guiana.

Wiapoco was therefore abandoned after Leigh's death in 1606, and a French expedition that tried to settle there in the following year met with like disaster.

The mishap to the reinforcements sent out by Sir Oliph Leigh led to the first attempt to found an English settlement in the Antilles. When the *Olive Branch* found it impossible to reach the Wiapoco, the intending settlers under Nicholas St John proceeded before the wind to St Lucia in the Windward Islands, and arranged to remain there on land purchased from the native Caribs. The crew carried off the ship, and some sixty-seven Englishmen were left behind. In a short while the Caribs became hostile, and attacked and destroyed the settlement. Only a few survivors escaped to the Spanish plantations on the mainland.[1] Garbled accounts of this unfortunate attempt which made the colonists land in Barbados on their way to St Lucia have given rise to the legend that the English annexation of that island took place twenty years before its real date, and the error has been repeated by most historians of the British West Indies.[2]

The second English attempt to settle in the Lesser Antilles was made in 1609 when certain merchants sent out some 200 miscellaneous emigrants from the City of London to establish a colony in the island of Grenada. But like the unfortunate settlers of St Lucia they were attacked by the Caribs who had been stirred up against them by the Spanish governor of Trinidad.[3] Leigh's colony in Guiana was planned on a very small scale without influential patronage, and lasted only a short time, but the next attempt was more ambitious, and though it was ultimately unsuccessful, it had so direct a connection with later events as to be of greater importance. Robert Harcourt was probably first interested in Guiana through Sir Walter Raleigh, and he was successful in securing the patronage of Prince Henry for a colonising project there in 1609. He took out to the Wiapoco, in addition to a small force of men who intended to settle and commence planting, a cargo of merchandise to trade with the Indians for cotton, dyestuffs and tobacco. He sent out exploring parties into the interior, and formally annexed the whole of Guiana between the Amazon and the Orinoco in the name of King James. His plan was to follow the example of the Dutch and establish a system of trading posts among the Indian tribes based upon a firmly established settlement on the Wiapoco estuary,[4] but his resources were insufficient to send out the constant reinforcements necessary for so ambitious a project. He succeeded in obtaining from the Crown a patent granting proprietary rights over all that part of South America between the Amazon and the Essequibo. It was closely modelled on the Virginia

[1] Nicholl, J., *An Houre Glasse of Indian Newes* (London, 1607).
[2] See Williamson, J. A., *Caribbee Islands under the Proprietary Patents*, pp. 15–18.
[3] *Ibid.* pp. 18–19.
[4] Williamson, *Guiana*, p. 46. See also Edmundson, G., in *E.H.R.* XVI, 640–75, XVIII, 642–63, XIX, 1–45.

charter of 1612 and Guy's Newfoundland patent of 1610 and conferred similar privileges.[1] But he could not attract subscribers to a joint-stock company to work the patent, and after 1618 his activities in Guiana ceased for several years.

It is impossible to speak of other minor enterprises in Guiana. The evidence is fragmentary in the extreme, and what we have is difficult of interpretation owing to the intermingling of English and Dutch in the ventures. It is clear, however, that what was going on in Guiana closely resembled what was happening simultaneously along the coast of Norumbega. History has concerned itself almost wholly with the activities of the organised chartered companies in Virginia, the Somers Islands and the East Indies, not only because they succeeded in their task, but also because they have left written records of their doings that are easily accessible. The contemporary efforts of private individuals or small groups to found Plantations or to find profitable and unrestricted trade have been passed over because of the obscurity of each particular venture. In the aggregate, however, they were of importance in furthering expansion and adding to the national stock of capital. Moreover it was in these minor ventures of James I's reign that the individualist character of English colonisation was fully displayed. The time was one of transition in maritime adventure as in many other things. In the reign of Henry VIII small ship-owning firms found their profits in rank piracy; under Elizabeth they became privateers, and by legalised attacks on Spanish and Portuguese shipping procured cargoes of the tropical products that were being demanded in Europe in ever-increasing quantities. But under James I opportunities for privateering under the English flag ceased, and piracy became a very risky pursuit. Merchants and men had to find new employment: the smuggling trade with the Spanish colonies would yield the coveted commodities, especially tobacco, but it might involve those who engaged in it in serious trouble with the Government and was subject to cut-throat competition by the Dutch. The fisheries and fur trade of the North American coast were less profitable, and all the greater oversea trades were closely restricted to the regulated companies. Hence arose on the one hand the long battles for "free trade" that filled the reign, and on the other the search by obscure experimenters for opportunities to make a profit in unoccupied tropical regions.

Between the abandonment of Sagadahoc in 1609 and the arrival of the *Mayflower* Pilgrims in 1620 there was no attempt to found a colony on the shores of North Virginia, but public interest in the region steadily increased. Sir Ferdinando Gorges and others sent out frequent expeditions to trade for furs and sassafras and to exploit the newly discovered fisheries off the coast. The time was one of rapid improvement in commercial and industrial processes, and this

[1] Pat. Roll, 11 Jac. p. 9.

provided markets for new imports. The Dutch had begun to use train oil for the manufacture of soap in place of tallow, and the process was imitated by English soap-boilers. There arose a brisk demand, and the whaling grounds that John Davis had been unable to exploit in the 'nineties now began to attract interest. The Muscovy Company still held the monopoly of the northern seas and under the leadership of Sir Francis Cherry it tried to develop a profitable trade of walrus hunting and whaling from Cherry Island in Davis Straits. In 1612 it made very considerable gains, which induced other competitors to try for whales elsewhere.

In 1614 Captain John Smith, who had remained in England since his return from James Town, was employed by two London merchants to hunt for whales off the American coast. Smith was still keenly interested in colonisation and he determined to make use of the opportunity to search for a likely place for a settlement. His whaling was unsuccessful; but he secured a valuable cargo of fish near the harbour of Monhegan where he found many west-country fishermen practising the ordinary English method of dry-curing. He also did some valuable exploring work which he used after his return for the preparation of a map showing the whole of the coast of North Virginia. This, the first map accessible to the general public, he published in 1616 to illustrate his book[1] setting forth the advantages of the coast for English colonisation. He called the region "New England", and his book excited so much interest and was so widely circulated, especially among those engaged in the fishing industry in the west of England, that the name almost at once displaced the earlier names of Norumbega and North Virginia and came into universal use. Smith painted the country in glowing colours. "Of all the four parts of the world that I have yet seen not inhabited, could I have means to transport a colony, I would rather live [there] than anywhere....New England is great enough to make many kingdoms and countries, were it all inhabited."[2] His book greatly encouraged the growth of the new fishery and aroused the moribund Plymouth Company to new activity. It employed him to undertake a new voyage under the resounding title of "Admiral of New England", and he tried three times to return. A series of unfortunate chances intervened, and Smith never visited New England again, but his work was well done, and it had important results.

The most elaborate attempt at colonisation with the exception of the Virginia and Somers Islands Companies took place in Newfoundland. From Parkhurst's time onwards some of the fishing merchants were always attracted by the idea of permanently occupying the island and excluding fishermen of other nations from its harbours. But the majority were opposed to this and preferred to

[1] Smith, J., *A Description of New England* (1616). See Smith, J., *Works* (ed. Arber, E.), II, 937.

[2] *Ibid.* I, cxxxiv.

continue the old system of annual voyages so as to retain the detailed management of the trade in the English ports. Thus began a long conflict of policy that was not fully settled until well on in the nineteenth century. It was the desire of the Government to encourage the Newfoundland fishery, for the 9000 or more fishermen who were engaged in it provided two-thirds of the crews required to man the ships of the Royal Navy, but there was a recurrent vacillation of opinion as to the best means of securing the desired end. The restoration of peace in 1604 opened the valuable Spanish markets to English fish, and full advantage could be taken of the opportunity, for the long war, heavy taxation and the constant impressment of fishermen to man the Indies fleets had almost destroyed the fishing industry of Spain and Portugal.[1] Hence there was only a short interval between the Treaty of London and the first serious attempt at a Newfoundland colony.

The most active of the promoters came from Bristol and were led by John Guy, and some who had been associated with Hakluyt in promoting Carleill's scheme in 1583. Sir Francis Bacon was the principal sponsor of the project in official circles, and he was more closely associated with it than with any other colonial enterprise. The scheme was first propounded in 1607 by certain western merchants who had been interested in Peckham's schemes, and at length in 1610 the new Company received a charter of incorporation as "The Treasurer and company of Adventurers and Planters of the city of London and Bristol for the colony or plantation of Newfoundland". Complete authority was given for the government of the colony, but with the important reservation that complete liberty was guaranteed to those resorting to the island for fishing.[2] The arrangements for the government of the Company and colony were carefully drawn and offer interesting points of comparison with the Virginia charter of 1609, but it was in this reservation that the seeds of future happenings lay.

The Government is said to have provided a considerable proportion of the capital of the Company,[3] but this is improbable. Guy himself went out to Newfoundland as the first governor, and built his settlement in a well-chosen situation at Cupid's or Cuper's Cove on the Bay of Conception, but from the first he met with undisguised hostility from the bulk of the fishing merchants. They refused to recognise his authority or that of his successor, Captain John Mason, a naval officer who was appointed for his experience with fishery disputes in Scotland. Faced by constant difficulties the Company proceeded to the usual course of farming out some of its grant to

[1] See Brown, V. L., "Spanish Claims in the Newfoundland Fisheries," *Report of the Canadian Historical Association* (1925), p. 67.

[2] Carr, C. T., *Select Charters of Trading Companies* (Selden Soc. Publications), XXVIII, 51–62.

[3] Prowse asserts this, *Hist. of Newfoundland*, p. 93. Guy stated in the House of Commons in 1621 "that the plantation of the Newfoundland never had penny help, but from the adventurers' purses". *C.J.* I, 654.

other venturers, and its first assignee, Sir William Vaughan, took out a party of Welsh emigrants in 1617. But they proved hopelessly incompetent, and later Vaughan in his turn disposed of portions of his grant to Lord Falkland and to Sir George Calvert. The Company, however, still persevered with its enterprise. In 1618 the western fishing merchants presented bitter complaints of the settlers' proceedings as damaging the fishery, and when Parliament met again in 1620 after six years' intermission they carried their grievances into the House of Commons with consequences that will be considered in a subsequent chapter.[1]

The fourteen years between the Treaty of London in 1604 and the outbreak of the war in Germany in 1618 were for England an interlude of comparative calm in international affairs. Some general interest in the establishment of the new English colonies oversea was aroused from time to time, but they were in the main the concern of particular groups and aroused no controversy on a national scale. The minds of Englishmen were engrossed with their domestic disputes and comparatively little attention was bestowed on external events. The quarrel with Spain that had occupied men's thoughts for fifty years slept for a time, and the new struggle with France and the Dutch had not yet begun. But in 1617 there came a belated epilogue to the Elizabethan war which also heralded the opening of a new chapter wherein colonial affairs became a matter of national concern. Guiana saw both the events that closed the old epoch and those that began the new. Sir Walter Raleigh during his prime had been one of the foremost among the anti-Spanish party, and his release in 1616 from a close confinement that had lasted since 1604 was generally regarded as a sign that the policy of association with Spain was weakening. Even while he was in prison he had done his best to urge his friends to continue attempts against the Indies. The Earl of Southampton had joined him in 1609–10 in financing Sir Thomas Roe for a voyage to the Amazon with the intention of founding an English colony there.[2] Roe himself stayed nearly a year in Guiana and sent out two other expeditions between 1611 and 1614 to the Amazon delta where his colonists were associated with Dutch adventurers. Some of his men were still there in 1617 and sending home cargoes of tobacco.[3] During the momentary ascendancy of the anti-Spanish party in the Privy Council Raleigh was able to organise an expedition to explore the Orinoco in search for a rich gold mine of which he had heard during his previous visit. No obstacles were put in his way by the Government, which tacitly accepted his plea that he was aiming only at territory not in effective Spanish occupation. On the face of it this was a proper adherence to the principle

[1] *Vide infra*, p. 148.
[2] Williamson, J. A., 148 *English in Guiana*, p. 53 n., quoting Tanner MSS, 168, f. 2.
[3] Carew to Roe, April 1617, St. Pap. Dom., Jas. I, XCV, no. 22.

maintained by the English negotiators of the Treaty of London. But it is disputable whether either Raleigh or the anti-Spanish party that was for the moment dominant at court was sincere. His fleet was too large and too strongly armed for a mere exploring or colonising venture, and it seems as though the whole scheme were once again a reversion to earlier precedents—this time to the policy of Walsingham's day and an attempt to precipitate a Spanish war. Instead of the promised gold mine very effective Spanish forces were found, and Raleigh was driven off. His ignominious return to England and his trial are noticed later. The preliminaries of English colonisation were over. A new era was opening when colonial affairs were to play a vital part in English politics as a matter of permanent national interest.

CHAPTER IV

SEA POWER

I. THE SPIRIT OF ADVENTURE

WITH the dawn of the sixteenth century was born anew the spirit of adventure, the child of fruitful movements in the spheres both of thought and action. First, the Renaissance, opening up the learning of Ancient Greece, freed the mind of man from medieval trammels and revealed vistas of power and progress attainable by independent thought and resolute enquiry. Then, when the human spirit began to chafe against the narrow bounds of its European home, there burst upon it the spectacle of a New World. Thus the mental awakening due to the revived study of Greek in the West was completed by the great navigators who, near the end of the fifteenth century, discovered the routes to the Indies. The results of these double discoveries were bewilderingly great. Neither thinkers nor seamen could realise their significance, still less how the mental and material factors were destined to react one upon the other; and after the lapse of centuries we can but dimly imagine the thrills of that springtide, when scholars revealed to man the glory of his faculties, and seamen disclosed the wonders of his home. Armed with firm resolve and insatiable curiosity, he now fared forth to try his powers and explore the universe. As his mental and physical horizons expanded, he ventured on new and startling quests in philosophy, art, literature, natural science, navigation and colonisation. The modern world is the outcome; and those peoples have forged ahead most who have best combined the mental alertness with the physical daring of that age. Succeeding centuries have but garnered the harvests of the seeds sown in the latter half of the fifteenth century.

First among the thinkers who discerned the wider opportunities opened up by the discovery of the New World stands Sir Thomas More. While the successors of Columbus prepared to exploit the (presumedly) East Indies; while Vasco da Gama and the Portuguese voyaged by the Cape to those Indies; and while Sebastian Cabot urged on north-westerly ventures to that same goal, the eager brain of More discerned in the New World a new heaven wherein might dwell righteousness. His vivid imagination first brought together in fruitful union the world of Plato and the world of Columbus and Cabot. With quick intuition he saw that the ideal Republic of the Greek sage might be founded in the fertile wastes possessing the two essentials hitherto always denied to mankind—space and security. All down the dark vistas of the past, land hunger had been the parent of war, war of cruelty, cruelty of countless vices undermining the

social order. Discontent with that order produced More's protest, the *Utopia* (*οὐ τόπος* = Nowhere), published in Latin in 1516. The introduction reveals a soul in revolt against the grim actualities of his age. He sees the European States in a condition of veiled or actual hostility; rulers waging wars of aggrandisement; wars breeding other wars and leaving behind a loathsome progeny of hatred and hardships; savage laws making more thieves ("what other thing do you than make thieves and then punish them?"); and thieves becoming murderers. Crime, too, springs from the craze for turning tillage into pasturage; for wool pays better than corn, wherefore sheep "devour whole fields, houses and cities", and the peasants thus expelled must beg or steal and be hanged. Such is the old order, the aftermath of the long civil strifes—a weary waste of selfishness, extravagance, injustice and misery.

Over against the hopeless welter of the Old World he throws up in sharp relief an ideal commonwealth spaciously framed in the lands discovered by Amerigo Vespucci. There, in the islands of the West (for no American continent was as yet surmised), he discerns a home where mankind may start afresh. He pictures Utopia as a larger England, remote and safe from invaders, having fifty-four cities at least twenty-four miles apart. Each city holds twenty square miles of ground, which is tilled in common by husbandmen appointed yearly in rotation. Urban and rural life are interchangeable, and every tenth year houses are changed by lot. Nevertheless they are three storeys high, builded "after a gorgeous and gallant sort", along streets twenty feet wide. As for government, philosophers either rule or counsel the ruler, who holds office for life unless deposed for tyranny; weighty matters are brought before the council of the whole island, lesser affairs before magistrates chosen yearly. For the rest, social well-being is assured by peace and security, prosperity by thorough tillage of the soil, and culture by a six hours' day which leaves scope for the "free libertye of the minde and garnishing of the same". Guiding their lives by reason, the Utopians despise gold, silver, and jewels as the source of pride or folly, and they store them up only against the contingency of war. They hate warfare "as a thing very beastly", but enter upon it to defend themselves or their friends, or even to compel others to till land which, contrary to the law of Nature, is held up void and vacant. To lessen the risk of war they make no alliance. Similarly, they have few laws, and those as simple as may be; for they have all things in common. Their chief aim is reasonable pleasure, both of mind and body.

Such, on its political and social sides, is the transoceanic life depicted in *Utopia*. More contrasts it sharply with the greed, injustice and misery rampant in Europe. Though deriving his inspiration from Plato and the New Testament, he may also have been influenced by the stories of the kindly natives who ministered to the needs of Columbus

and were oppressed or slaughtered by his followers. For already the ills wrought by the lust for gold were clamant; and his sketch was doubtless intended partly as a warning against the prostitution of Nature's bounties offered in the New World. "Shun the precious metals, till the land, let all share alike, and so build up a new community founded on peace, goodwill and equity." This is the moral of More's message. It sets forth the two forces which were to draw myriads oversea—the lure of a new life and discontent with the old life. Above all More bids mankind rely, not on the precious metals, but on tillage of the soil. Herein he sounded a Cassandra note; for during a century gold and silver were to be the curse of the New World, enticing men from tillage to pillage, from colonisation to buccaneering.

Published first at Louvain, then at Paris, *Utopia* was not englished until 1551, and by that time its gracious author had fallen a victim to regal tyranny and to his later reverence for the Papacy. Perhaps the inconsistency of the earlier and later halves of his life (social seer and *dévot*) lessened the influence of this, his greatest work, which was regarded as a whimsical play on life rather than a call to a new life. In the England of Henry VIII his seed fell on stony soil; and many convulsions had to occur before even the meagre firstfruits appeared. Some admirers have seen in Henry's cessation from French wars his respect for More's teaching.[1] The suggestion is improbable. Henry ever went his own way, and cramped and insulated England during half a century.

According to Henry's biographer, Lord Herbert of Cherbury, some of his councillors in 1511 urged maritime expansion rather than a continental policy:

> Let us in God's name leave off our attempts against the *terra firma*. The natural situation of islands seems not to consort with conquests in that kind. England alone is a just Empire. Or, when we would enlarge ourselves, let it be that way we can, and to which it seems the eternal Providence hath destined us, which is by the sea. The Indies are discovered and vast treasure brought from thence every day. Let us therefore bend our endeavours thitherward; and if the Spaniards and Portugals suffer us not to join with them, there will be yet region enough for all to enjoy.[2]

In this eloquent appeal Herbert projected the thought of Charles I's reign back into that of Henry VIII, when no thinker, save More, pictured a New England overseas. This is not surprising. The home-loving practical English then felt no need for expansion; the prevalent westerly gales of the North Atlantic discouraged enterprise; Robert Thorne was almost alone in urging Henry to undertake the discovery of the North-East or North-West Passage to the Indies; for "I judge there is no land unhabitable nor sea innavigable". All was in vain. Henry and his nobles took little interest in maritime ventures, a fact deplored by Frobisher's biographer, Best, inasmuch

[1] Kautsky, K., *Thomas More and his Utopia* (Eng. transl. p. 141).
[2] Lord Herbert of Cherbury, *The Reign of Henry VIII* (edit. of 1649, p. 18).

as "our chiefest strength consisteth by sea".[1] This dictum is of Elizabethan, not of early Tudor times. Much had to happen before it commanded wide assent. The breach with Rome, the loosening of continental ties in Mary's reign; next, the dawn of a fresh national consciousness linked with a growing hatred of Spain and a growing resolve to rifle her oversea treasuries; lastly, a confident belief that sea prowess there gave us the mastery—all conspired to endow the Elizabethans with unique freshness and force. "The world's mine oyster, which I with sword will open" exclaims Ancient Pistol in the *Merry Wives of Windsor*; and the braggart does but blurt out the roystering vitality of the Shakespearean age.

Much ink has been spilt in the effort to discover how the poet, bred by the Avon, could, as if to the manner born, dole out travellers' tales and the jargon of the fo'c'sle. Indeed, the thesis has been plausibly maintained that only a gentleman-adventurer, like Raleigh, could have written the *Tempest* and parts of other plays.[2] But the land vibrated with an adventurous spirit conducive to mental daring and inquisitiveness. Only the dull clods stayed at home. Even

> men of slender reputation
> Put forth their sons to seek preferment out,
> Some to the wars to try their fortune there,
> Some to discover islands far away.

Plymouth, Bristol, Southampton, London hummed with excitement at the return of every successful venture to the Indies. Would not the master mind of the age soon absorb the master spirit of the age? And to a Warwickshire lad were not the treacherous calms and awesome storms a spur to a new realm of thought and expression? What wonder that he "milked" the seamen of Wapping; and that, thanks to his soaring spirit, English thought and expression underwent

> a sea-change
> Into something rich and strange.

Visions of the ocean light up the talk. In *As You Like It* Rosalind, eager to hear of Orlando, bursts out with "One inch of delay more is a South Sea of discovery". Pistol, when urging Falstaff in pursuit of Mistress Page, becomes for the nonce a sea-captain:

> Clap on more sails; pursue; up with your fights;
> Give fire: she is my prize; or ocean whelm them all.

The map in the new edition of Hakluyt's prose epic is pressed into service by nimble-witted Maria, who, in *Twelfth Night*, thus hits off Malvolio's smirks—"he does smile his face into more lines than are in the new map with the augmentation of the Indies". Now, as the Elizabethan playwrights wrote for the many, not for the few, it is clear that topical allusions such as these would not be too obscure even

[1] *Frobisher's Three Voyages* (Hakluyt Soc., 1867, ed. Collinson), p. 22.
[2] Pemberton, H. (Junr.), *Shakspeare and Sir W. Ralegh*, chaps. iv–xiv.

for the groundlings. They would doubtless be puzzled by Gonzalo's quizzical sketch of a New World Utopia:

> no kind of traffic
> Would I admit, no name of magistrate,
> Letters should not be known, riches, poverty,
> And use of service, none; contract, succession,
> Bourn, bound of land, tilth, vineyard, none:
> . . . . . .
> All things in common Nature should produce
> Without sweat or endeavour.

And only merchants and gallants would see in it a skit on the fiasco of the first Virginia settlement.

But then there soon comes in the arresting figure of Caliban, with whose ultimate fate the audience would be in full sympathy. Imaginative in regard to pictorial details, Shakespeare was a realist respecting the social destinies of the New World. But his plays unquestionably quickened the *Wanderlust* of the average healthy young Englishman.

In the new centrifugal phase of national life west-countrymen took the lead. Now that the New World offered a golden lure, trade with the Easterlings seemed commonplace. For years the men of Devon and Cornwall had sallied forth to help Huguenots and Dutch "Sea Beggars" harry the Spanish convoys which lumbered up Channel towards Dunkirk; and this profitable privateering emboldened the men of Plymouth and Fowey to take wider flight. Years before, a Cornishman, Sir Richard Grenville, had sung:

> Who seeks the way to win renown
> Or flies with wings to high desire;
> Who seeks to wear the laurel crown
> Or hath the mind that would aspire—
> Let him his native land eschew
> Let him go range and seek a new.

His father had gone down in the *Mary Rose* off Spithead in 1545; and in 1591 his grandson was to win immortal fame in the *Revenge*. Other Cornish seamen were the Carews, Tremaynes and Killigrews; while from across the Tamar Devon sent forth Wilford, the two Hawkins, Drake, Davis, Gilbert and Raleigh. Of most of these leaders we know comparatively little; for, with the exception of the two last, they wrote little. Speaking generally, the love of adventure, which has counted for so much in the spread of our race, has left few records like those of the methodical much-writing merchant class. Therefore the romantic side of British expansion now bulks small by comparison with the commercial which left behind masses of documents. Nevertheless, the Empire was made largely by restless spirits who felt the call of the sea or the wild, by landless younger sons or yeomen ejected by the enclosures, by discharged sailors and soldiers—in short by Esaus

and Adullamites of all kinds. Usually they failed, as Esaus do, but sometimes they pointed the way for the Jacobs.

Primogeniture has played no small part in driving our people overseas; and it would be curious to speculate how far the independent colonial spirit sprang from the discontent felt by landless younger sons. A dispossessed Orlando goes forth from home embittered against a bullying Oliver, who bids him beg his way. Nay, it appears that before the time of colonies Orlandos often took up piracy, "the profession of the sea"; for the Venetian ambassador at London reported on 10 August 1620 (one month before the sailing of the *Mayflower* from Plymouth), that "the younger sons here, as opposed to the first born, being deprived of property by the laws of the realm have taken to the profession [of piracy] from necessity and an evil disposition". As they slew or drowned all whom they met, including Englishmen, the Royal Navy was to show them no mercy.[1] By degrees the colonies opened out a new sphere for all such; and who can measure the gain to civilisation when by degrees they took up war against the wilderness in place of war against man? On the other hand, their adventurous and often aggrieved spirit greatly increased the difficulties of the early settlements, besides implanting the seeds of dissidence.

But the British Empire was not the outcome of a vague swarming impulse: it was the work of born leaders of men, who were resolved that England's overseas domain should rival that of Spain; and their rugged personality and daring deeds were potently to influence our future. Foremost stands Francis Drake. Born and bred near Tavistock in Devon, he grew up at a time when the privateering spirit was sending forth many a vessel from Plymouth or Bideford to prey upon the Spanish transports and traders. His early experiences toughened a firm thick-set frame and sharpened a mind naturally keen and masterful. Chased with his family from their home by a local Catholic rising in 1549, the boy early imbibed hatred of that faith, and, when settled near Chatham, took to the sea. During hard experiences in the Channel he learned the seaman's craft, and the seaman's virtues, obedience, fidelity and utmost hardihood. Destiny soon called him to wider scenes. Probably his detestation of Spain quite as much as his relation to the Hawkinses of Plymouth turned him from the North-Eastern quests then foremost, and inclined him towards America. Before 1567 Drake seems to have sailed to the West Indies with one Captain Lovell, and with him to have suffered from Spanish treachery at Rio de la Hacha.[2] Sailing with Hawkins to the West Indies in 1567–8, he experienced the perfidious assault at San Juan de Ulua, which increased his desire for revenge; but this feeling was never glutted by the plunder which he amassed in his next

[1] *Cal. St. Pap. Venetian*, 1619–21, p. 357.
[2] Corbett, *Drake and the Tudor Navy*, I, 94.

three raids (1570–2) on Spanish domains. Rather did it incite him to larger and yet larger designs. Thus, in 1572 he relied partly on escaped negroes and "maroons" to effect the capture of the Spanish treasure city, Nombre de Dios. He failed only because a wound laid him low at the crisis of the fight. It is a sign of the affection which he inspired that his men bore him to the boats, preferring to save him rather than master the wealth of the Indies. Undaunted, he withdrew with his company to a fertile island for rest and recovery, and while there swore "to reap some of the Spaniard's harvest which they got out of the earth and sent to Spain to trouble all the earth". Soon he came to terms with the "maroons" and planned to plunder the convoy of treasure-laden mules on the mountain track between Panama and Nombre de Dios. With marvellous control over his brown allies he threaded his way across the isthmus, and at the summit ascended a lofty tree whence he beheld far below the glittering expanse of the South Sea. The spectacle, never yet seen by an Englishman, marked another stage in his mental development. From private plunder he had risen to the design of ham-stringing the Spanish giant; and now he caught a vision of an English Empire. To his comrade, John Oxenham, he signified his earnest desire that some day he might sail on that sea. Compared with that vow the final plunder of the Spanish mule-train near Nombre de Dios is mere buccaneering, significant only because the booty swept in there and afterwards at sea rendered possible his dream of a voyage into the Pacific. *Soli Deo gloria* ends the narrative of the Nombre de Dios venture. The phrase is not mere cant, but the expression of thanks of hard-pressed Protestants that they had found a means of sapping the world supremacy of Spain.

The discoverer of the new policy was well fitted to be its executant. "A man of about thirty-five years" (thus a Spanish captive described Drake), "short, with a ruddy beard, one of the greatest of mariners, alike from his skill and his power of command." Knowing well his craft, and aware of the careless ease of the Spaniards in the Pacific, he trusted to overpower their scattered settlements by means of that most potent of all tactics, surprise. It was long before his friends at court could persuade Elizabeth to abandon her policy of cautious balance and loose him against the Spanish preserves; but in the spring of 1577 that champion of a forward policy, Secretary Walsingham, procured him an interview with her in which he broached his Pacific plan. The Queen, then smarting under Philip's affronts, liked well the design, but is said to have warned Drake to keep it secret, above all from the cautious Cecil, Lord Burghley. She promised to subscribe 1000 crowns for this joint-stock venture, the prize at stake being Spain's New World tribute of over £3,000,000. For her, so long as Drake kept silence, the risks were small, the profits enormous: as for Drake, he risked his neck and his all in the venture; but he merged his

desires for profit, strong as they were, in the resolve to tap the sources of Spain's political power.

At last, in November 1577, he put forth from Plymouth in the *Pelican* of over 100 tons, carrying eighteen guns. With her sailed the smaller *Elizabeth*, and the tiny *Marigold* and *Swan*, the crews in all numbering 150 men and a few boys. Serving with Drake were about ten gentlemen adventurers, whom on occasion he consulted, the chief among them being Sir Christopher Hatton and his friend Thomas Doughty. Difficulties soon arose with the last named and came to a head as they neared St Julian's Bay in Patagonia. Headstrong, ambitious and masterful, Drake accused Doughty of mutiny—and therefore of high treason; and in the trial the accused admitted betraying the secret of the venture to Cecil, then an opponent of all such enterprises. This and his other acts sufficed to procure Doughty's condemnation, and Drake executed him in that bay. Then, as if to wipe out the past before they neared the dreaded Straits of Magellan, Drake changed the name of his ship to the *Golden Hind*, the family crest of Hatton. Further, in order to regain unity both in spirit and in action he made an urgent appeal for an ending to all class distinction: "My masters I must have it left. For I must have the gentleman to haul and draw with the mariner and the mariner with the gentleman. What! let us show ourselves all to be of one company and let us not give occasion to the enemy to rejoice at our decay and overthrow. I would know him that would refuse to set his hand to a rope, but I know there is not any such here". The appeal struck home; for it breathed the true sea spirit, which minimises class distinctions and unites all true sons of the sea in a freemasonry of adventure. The Nelson of that age clinched these homely words (his testament to the Royal Navy) by reminding officers and men that they served not him but the Queen, whose glory they must advance. Then, entering the dreaded narrows, he halted at one of the larger islands, which he annexed, calling it "Elizabeth Island".

After seventeen days of difficulty and danger Drake saw the South Sea open before him, only to be driven to and fro by terrific storms, in one of which the little *Marigold* foundered. Finally a series of northwesters drove him back to the neighbourhood of Cape Horn. Near that promontory he found shelter, and, on putting out, claimed to have found signs of the existence of open sea to the southward, in fact, of the great Southern Ocean (October 1578). Such is the gist of the narratives of this voyage. Though marred by vagueness and several discrepancies, they bear the signs of an almost childlike simplicity and their general purport is convincing.[1] Therefore we may conclude that Drake discovered the southernmost of that group of islands, which he named "Elizabethides". His chaplain, Fletcher, termed them collectively *Terra australis nunc bene cognita*. Drake in fact

[1] But see Wagner, H. R., *Drake's voyage round the World* (1926), pp. 88–96.

surmised that the *Terra australis* of sailors' talk was non-existent, and that a group of islands bordered the Straits of Magellan. Only by creeping through those dreaded straits had the Spaniards first reached the Pacific—a route which they had abandoned as too dangerous, in favour of the overland route *via* Panama. It was long before Drake's discovery of an open sea route to the Pacific was utilised, doubtless because of the prevalence of terrible storms which he reported; but ultimately his discovery and that of Dutch voyagers opened the Pacific to all the world.

During these long buffetings the *Elizabeth* parted company, and her captain, Wynter, very tamely made for home. Nevertheless, Drake determined to push on northwards with the *Golden Hind* in the belief that swift action and surprise would gain him success everywhere among the scattered Spanish settlements. His confidence was justified. Seventy years of security had bred laxity and sloth. Their unarmed posts and ships offered no resistance. At Lima Drake ran in his little craft by night and anchored amidst seventeen ships, and departed unscathed. Everywhere he met with the inertia of sheer bewilderment; and his men lightened ships and carriers of their burdens with a humorous good nature that half excuses the piracy, as when Fletcher describes the robbery by a watering party of thirteen bars of silver from a Spaniard who lay asleep—"and so left him to take out the other part of his sleep in more security". Drake filled the hold with precious metals, and seems throughout the voyage not to have slain a single Spaniard.[1] With one exception his Spanish prisoners stated that he treated them humanely, even with courtesy.[2]

The *Golden Hind* being richly freighted, Drake held on northwards "along the back side of America" towards "the Californias . . . 1400 leagues in all". Fletcher describes him now as bent on "the discovery of what passage there was to be found about the northern parts of America from the South Sea into our own ocean", so as to benefit England by finding a short northern passage to the Indies. He also informed his Spanish prisoners that he came in the service of his Queen, and for a greater purpose than plunder; that he meant to return home by a strait in latitude 66°, and if he could not find it he would return by China; for she had sent him to encompass the world.[3]

As to his run far northward, his buffetings by bitterly cold winds from about latitude 48°, and his return landwards to the bay which is now named Drake's Bay, it is well to reserve judgment. Fletcher's insistence on the continued bitter cold and gloom at midsummer in lat. 38° excites question. The trees (it seems) had no leaves and the birds dared not leave their nests "after the first egg laid". The

[1] *The World encompassed*, ed. Temple (1926), pp. xliv–li, 42.
[2] Nuttall, Z., *New Light on Drake* (Hakluyt Soc. 1914), pp. xxiv, 139, 151, 166, 196–210, 420–3.
[3] *Ibid.* pp. 317–20.

Indians in their furs came huddling together for warmth; and finally they began to worship the white men as gods until "we fell to prayers and singing of psalms whereby they were allured to forget their folly".

All this whining was perhaps designed to warn off other voyagers from attempting to find the North-West Passage from that side. Drake must have known that Frobisher and others were seeking that passage from the Atlantic; and, unable now to go on with his quest, he may have wished Fletcher to scare intruders away from the North-East Pacific. Yet he now annexed this forbidding land, naming it New Albion because of the cliffs and fixing a plate of brass to a post, with the likeness and arms of the Queen "in a piece of sixpence current English money".[1] Probably he hoped thereby to establish a prior claim to land which he believed to command the passage to the Atlantic. If so, he designed England to be the sea-warden of both entrances to the Pacific. Whatever be the truth as to his ultimate aims, there can be no doubt as to the dogged daring with which he pursued them. His fame as circumnavigator is well established. The Spanish poet Lope de Vega with chivalrous exaggeration praises him as the only man who in a single voyage sighted both poles.[2] With sober truth, however, we may claim for him that he was the greatest pioneer of the Empire. And when on his triumphant return home, Elizabeth, after the usual coy calculations, knighted him on board the *Golden Hind* at Deptford (4 April 1581) Queen and people seemed to be of one mind in challenging the might of Spain.[3] As will appear later that issue was long deferred; but, when it came, Drake's confidence in swift offensive bore fruit both in his attack on Cadiz (1587) and in the tactics adopted against the Armada.

Another pioneer of empire was Martin Frobisher (1535–94). Stern, silent and coldly selfish, he is not an engaging figure. Yet his hardihood and persistence amidst prolonged dangers mark him out as one of the great Elizabethan mariners. Beginning, like Drake, as an ordinary seaman, he early learned to overcome difficulties and achieve much with feeble means. After voyaging with the Lock (or Lok) brothers to the Guinea coast, he took up, in connection with Gilbert and the Earl of Warwick, the search for the North-West Passage to the Indies. Owing to the opposition of the Muscovy Company, he could procure only two small coasting vessels and a tiny pinnace. Yet in them he was to battle against the stormiest seas in the world and to brave the dangers of ice, cold, and lack of food. In the tropics food rarely failed the voyager: within the Arctic Circle its exhaustion was his chief dread. For in Frobisher's small craft there could be no reserves, or much shelter from the elements. Even in a moderate wind, the sea frequently broke over the low bulwarks of the waist or

[1] *The World encompassed*, pp. 48–62; but see Wagner, H. R., chap. vii.
[2] Lope de Vega, *Dragontea*, p. 40.
[3] *Cal. St. Pap. Spanish*, 1580–6, no. 78.

middle part of the ship, so that even in his largest craft, the *Gabriel*, they had to be "laced fore and aft with ropes a breast high" to prevent the waves washing the crew overboard; yet, even so, one man was carried away over the ropes. Let one more incident testify to the *Gabriel's* lowness amidships. Frobisher, desiring to bring back proof of his having touched habitable land, enticed an Eskimo to her side, and then, laying hold of his hand, dragged him and his coracle on board.

In fact, the whole expedition was a triumph of man's indomitable spirit over contemptible materials. It cost, in all, with wages and charges of the voyage included, £1613. 19*s*. 3*d*.[1] For this sum, Frobisher, with thirty-four men and boys, was to venture into uncharted seas in order to find a short cut to the unimagined riches of Cathay. Well might Queen Elizabeth, then at Greenwich Palace, send to him, as he dropped down from Blackwall, a farewell message that she had "good liking to their doings" (7 June 1576). In a storm off Greenland the pinnace foundered with all hands, and the *Michael*, "mistrusting the matter", made for home. Yet Frobisher toughly persisted, "knowing that the sea at length must needs have an ending"; and on 20 July discovered in Baffin Land a great gut which he believed to be the passage between Asia and America leading to the Pacific. Into it he ventured, hoping to reach "some open sea on the back side"; but, intercourse with tricky and thievish Eskimos leading to the loss of five men and his only boat, he was fain to return, bringing with him the native captured by guile, also a lump of black pyrites, which was stated by an Italian assayer to contain gold.

At once the news dwarfed all interest in geographical discovery. Elizabeth lent the *Aid* (200 tons and 100 men) which, with the *Michael* and *Gabriel*, set out to find stores of the precious metal and annex the lands containing it. Reaching Frobisher's Bay, the crews landed on the south side, "the supposed continent of America", and, with ensign displayed and trumpet sounding, annexed the land "for the advancement of our commonwealth" (23 July 1577). Thus Frobisher and his men had the honour of making the first transoceanic addition to the British Empire. He anticipated Drake's Antarctic annexation by fifteen months, and that of Newfoundland by six years. He now sought hard to find his men seized by the natives the year before; but, failing to find more than relics of their clothing, he strove to discover the passage to the South Sea. But Elizabeth, in her longing for gold, which would enable her to defy Philip, placed mining first. Therefore Frobisher, "considering the greedy desire our countrey hath to a present savour and return of gayne, bent his whole endeavour only to find a mine, to fraight his ships and to leave the rest (by God's help) hereafter to be well accomplished". Finding a mine of the supposed

[1] *Frobisher's Three Voyages*, pp. 74, 116, 153.

ore on the north cape, he laded the ships with "almost 200 tons of it", and on 23 August set sail homewards, reaching Milford Haven a month later.[1]

The results of assaying, though doubtful, were promising enough to incite Queen, courtiers and merchants to send forth the *Aid* and fourteen smaller vessels under command of Frobisher. He was to sail "to the land now called *Meta incognita* and there lade 800 toones" of the ore, also to discover new lands. Setting sail from Harwich on 31 May 1578, the squadron sighted land which he annexed as "West England" (20 June 1578). He then bore northwards to his strait, which he found cumbered with ice and beset with fogs and extreme cold. Thereafter they were sore perplexed as to their whereabouts. What with schisms within and storms and ice without, Frobisher at one time resolved "to burne and bury himself and all togither with Hir Majesty's ships". The set of the ice drove the fleet up a "mistaken strait", probably Hudson Strait; but Frobisher made his bay at last, and then, after lading a large stock of ore, set sail for home.[2] At the end of it all the ore proved worthless, and he fell into disfavour, giving up north-west discoveries for West India ventures of more promise. Ill-fortune seems to have embittered him; and Thomas Fuller thus sums him up: "He was very valiant but withal harsh and violent (faults which may be dispensed with in one of his profession)". But only sterling qualities and an indomitable will could have conducted three Arctic expeditions with very little loss of life and no mutiny. His fame rests on sure foundations, as a pioneer who overcame incredible hardships with the scantiest of means, and raised English seamanship to a height which easily baffled the Spanish Armada. At that crisis Frobisher commanded the *Triumph* (1100 tons) and rendered doughty service in the Channel and off Gravelines. He died at Plymouth of a wound received near Brest in 1594.

Thus the embryonic beginnings of the British Empire were due to the resolve of Frobisher, Drake and their patrons to occupy important positions on the Arctic and Antarctic routes to the South Sea. The fabled wealth of the Indies emboldened them to undertake foolhardy quests in pigmy craft if so be they might circumvent Spain and cut off her world-conquering wealth at its source. Now that the North-Eastern Passage was generally discredited, there were three ways of dealing her a heavy blow, either by the North-West Passage, or the Elizabethides, or over the Isthmus of Panama. The fortunes of Drake and Frobisher showed which was the more formidable, the opposition of Spaniards or of nature; and it is clear that all the vigorous elements in England longed to beard the Dons in their own preserves. But now, during some four years, Elizabethan statecraft intervened to forbid further inroads into the Spanish preserves;[3] and

[1] *Frobisher's Three Voyages*, pp. 135, 152, 157.
[2] *Ibid.* pp. 231–89.
[3] Read, C., *Walsingham and the Policy of Elizabeth*, vol. II, chap. viii.

in the meantime her sea dogs, long straining at the leash, again trailed off with glad recklessness upon the northern quest, and this time with tangible results.

Again the leader was a man of Devon. Sir Humphrey Gilbert (1539?–83) came of a good family of Compton, near Dartmouth, Devon. Educated at Eton and Oxford, he was one of the gentlemen adventurers whom Drake had severely to admonish; and his education seems not to have softened a relentless nature, which, later, took on a sharper edge from his military experiences in the savage warfare in Ireland and Flanders. Nevertheless he early pondered the problem of the North-West Passage, and helped to turn the energies of his countrymen towards it and away from the north-eastern quest. In his *Discourse of a Discovery for a new Passage to Cataia* (published in 1576), he showed with much learning and ingenuity that America must be an island, that England with her invincible Navy was best able to gain and profit by the new trade with Cathay and the Indies; "for it is the long voyages that increase and maintain great shipping".[1] His daring and unscrupulous spirit probably inspired the "discourse" of certain west-countrymen to Elizabeth to send warships, under pretence of discovery, to destroy Spanish shipping off Newfoundland and then conquer the West Indies. "I will do it if you will allow me, only you must resolve and not delay or dally; the wings of man's life are plumed with the feathers of death."[2] Some influence at court availed to clip this plumage; and on 11 June 1578 Elizabeth gave Gilbert a charter empowering him to discover and hold such "heathen and barbarous lands . . . not actually possessed of any Christian prince or people"; also to rule in them over those who might be sent thither from England or Ireland, provided always that he never robbed by sea or land the subjects of the Queen or of friendly rulers.[3] This, the first charter for the founding of a British colony, is drawn up in terms which imply a desire for peaceful and law-abiding expansion, far different from the methods recommended in the "discourse".

After a long pecuniary struggle and one unsuccessful venture by sea Gilbert set sail from Plymouth Sound on 11 June 1583 in the *Delight* (120 tons), with four other craft, the crews numbering some 260 men. Though deserted by his largest unit, the *Bark Raleigh*, Gilbert pushed on in the teeth of the prevalent westerly winds, beating against them deviously as far south as 41° and as far north as 51°. At last, after passing over the Bank, they made the Great Bay of Newfoundland on 30 July; then, running south, they entered St John's Bay, where they found thirty-six fishing vessels, English, French and Portuguese, all under the governance of a weekly ruler termed Admiral. These, on seeing the Queen's commission, allowed entrance, offered hospitality and approved the act of annexation which Gilbert prepared to effect.

[1] Hakluyt, v, 115. (Everyman Edition.)
[2] *Cal. St. Pap. Dom.* 6 Nov. 1577.
[3] Hakluyt, v, 349–54; also *vide supra*, pp. 61–2.

The land pleased him greatly; for it abounded in wild fruits and flowers, game and fish being also plentiful.

Accordingly on Monday, 5 August 1583, Gilbert landed with great state, summoned the merchants and master-fishermen of all nations there present, to whom he read and interpreted the Queen's commission. By virtue of it he annexed the district and 200 leagues every way, accepting a rod and a turf in sign of possession: he also declared that laws would be ordained "agreeable so neere as conveniently might be unto the laws of England, under which all people coming thither hereafter, either to inhabit or by way of traffique, should be subjected and governed". As a commencement he declared that the religion should be that of the Church of England, and that attempts against the Queen's authority should count as acts of high treason, those who were guilty of disrespect to her losing their ears and suffering confiscation of ship and goods. To these enactments the multitude promised obedience and was then dismissed. Next, the arms of England were engraved in lead and set up on a wooden pillar; whereupon Gilbert "granted in fee simple divers parcels of land lying by the water side" to such as desired to dry their fish, in order to prevent the seizure of lands, as heretofore, by the first-comers. The lessees were now to pay certain rents and services to Gilbert.[1]

Such was the act of annexation, savouring of the time of absolute monarchy and patriarchal ideas of ownership. Whether its purport was understood by the foreign fishermen may be doubted; but English law was now imposed in place of the sea customs hitherto in force; and thus began the acute struggle between governors and fishermen which long fills the dull and acrid story of England's oldest colony.

At once difficulties crowded upon Gilbert. Iron and silver ore being found, he was urged to stop, lade his ships and so return home. This he refused in order to push on his explorations southwards; but he promised to return in due course. To depart or to stay was alike hazardous; for many of his men were mutinous and maltreated the fishermen, while others fled to the woods. Thus it was with scanty and discontented crews that Gilbert weighed anchor on 20 August after a stay of only three weeks, he himself sailing in the pinnace *Squirrel* of ten tons for the inshore survey work. Trials now came thick and fast. On 29 August in hazy weather his largest craft the *Delight* ran on a reef, probably off Cape Breton Isle, and was lost with nearly 100 men, the others narrowly escaping the like disaster. The loss of all the reserve provisions and clothing now led nearly all the survivors to urge a return home, which Gilbert conceded, promising however a fresh attempt next spring. Ceasing then to battle westwards, they turned and sped before the gale. Brooding over the loss of his papers (probably about the silver mine) Gilbert waxed irritable, but stoutly refused to go aboard the larger ship and desert the little company on

[1] Hakluyt, VI, 17–19.

the *Squirrel*. At last, on 9 September, when near the Azores, a great storm raised "terrible seas, breaking short and high pyramid-wise". Midst these the little pinnace laboured exceedingly, but at the last view from the *Golden Hind*, Gilbert was seen waving joyfully with a book in his hand and crying out "We are as neere to heaven by sea as by land". At midnight the *Squirrel's* lights were quenched, and with her went down as stout an adventurer as ever sailed. What was the book which consoled him in his last hours? Surely it was More's *Utopia*, in which he read these words—"The way to heaven out of all places is of like length and distance".

For in spite of their hardness and occasional cruelty these Elizabethans had in them a strain of religious idealism which carried them through incredible hardships and difficulties. They feared God and nothing else. Nerved by that belief, they sailed in mere cockle-shells to brave Arctic ice, the heat and disease of the tropics, and the thumb-screws of the Inquisition, in order that they might dry up the wealth of Spain at its source. With this patriotic purpose were often mixed less worthy motives; but their hardihood and determination set to the nation a standard of achievement of priceless worth. Long battling with stormy seas and ice produced stout ships and stout hearts. A contemporary, William Harrison, reckons two well-found English ships a match for three or four foreigners; and he adds that "for strength, assurance, nimbleness and swiftness of sailing, there are no vessels in the world to be compared with ours". The crews were generally worthy of their leaders, Hawkins, Drake and Frobisher, who in the crisis of 1588 became great captains. Mocenigo, Venetian ambassador at Paris, feared that the English would triumph over the Armada; for they "never yield, and though driven back and thrown into confusion they always return to the fight".[1] A people having in reserve these stores of spirit, skill and strength, was invincible; and the confidence with which it burst into a new oceanic career called forth exhilarating energies destined to influence every side of the national life. England now lived as she never lived before or since. In turn the Vikings, the Spaniards, Portuguese, English, Dutch and French had their heyday when they felt the throbs of new and fruitful world-contacts: but that of the islanders was at once the most glorious and the most lasting of all; for, from a sure island base, their adventurers opened the way for traders, and these for settlers, in lands where new Englands could be founded.

Nevertheless, this expansive impulse worked in English fashion by fits and starts. Elizabeth's warlike efforts were as short-lived as her whims. After the Armada no effective blow was struck at Philip II. The Azores, his vital link with the Indies, were never seriously attacked; and excessive individualism marred the work of our great explorers. Nothing tangible came of the annexations of Frobisher

[1] *Cal. St. Pap. Venetian*, 1581–91, no. 706; also *ibid.* 1617–19, nos. 254, 921.

and Drake, while that of Gilbert long remained valueless except to our west-country fishermen. Next, the unmanly fads of James I half stifled loyalty and enthusiasm. He took no interest in colonisation. "He seems" (wrote Lando, the Venetian ambassador) "to aspire to nothing beyond the limits which the sea has set him."[1] Yet the Elizabethan spirit survived, manifesting itself in the north-western quests of Hudson, Baffin, and others unknown to fame. They were beaten by the stern facts of geography. Yet they had not striven in vain. They had secured for England the first claim to the lands north of Labrador and around Hudson Bay. Above all they had learned to press on despite endless rebuffs; and the hardening of the national fibre is an asset of priceless worth. No soft people, stumbling on empire, ever kept it.

After the explorer comes the adventurer, after the adventurer the settler. Gold is the link between them, and few men loved gold as Sir Walter Raleigh did or sought it more assiduously. But he was much more than an avaricious and speculative adventurer. He possessed to an unusual degree that admixture of good and evil which makes the Elizabethan Age at once so interesting and so baffling. Transitional periods produce naturally these combinations of good and bad, but the impetuous individualism, which is also their outcome, found a valuable opening in overseas activities. If the rank and file of the early buccaneers and settlers helped in some small measure to relieve the vagrancy problem at home, their leaders also were better employed than if they had stayed behind to evict copyholders or to fall into the usurious clutches of a Spinola or a Paravicini. Religious zeal, too, found a healthier outlet in converting the native Virginians than in harrying unfortunate sectaries, and the soundest cure for an "Euphues" or an "Inglese Italianato" was a voyage to Guiana or a raid on Cadiz.

Raleigh, "the man who had more genius than all the Council put together", represents therefore better than any other, save perhaps Sidney, the many-sidedness of the period. Less famous than Drake as a navigator, less adventurous than Davis as an explorer, inferior to Spenser as a poet and to Essex as a courtier, the idol of the West Country at one time and at another the most hated man in England, he is at once one of the most bewitching and one of the most exasperating figures of English history. Aubrey sums him up briefly and well: "he was a tall, handsome and bold man, but his naeve[2] was, that he was damnable proud". Of his handsomeness, the portraits leave no doubt. If his boldness aided him to envisage an overseas empire as no man before had imagined it, his pride forced him ever to be at variance with superior and subordinate alike. Independence and

[1] *Cal. St. Pap. Venetian*, 1621–3, no. 603.
[2] Fault.

subservience, tenderness and arrogance, hardiness and love of display, these contradictory characteristics appear over and over again, in his letters, in his more consecutive writings and, indeed, in all his words and actions. His achievements in literature are of high worth. If, rather reluctantly, Aubrey's verdict is accepted that "he was sometimes a poet but not often" it can be claimed at least that he was an unsurpassed master of vigorous and enchanting prose, and that half a page of the *Report*[1] or the *Discovery of Guiana* is enough to conjure up the immortal exploits of Sir Richard Grenville or the exquisite thrills of pioneering on the Orinoco, with its riot of colour, its wealth of foliage and its infinite variety of fowl, fish and fruit.

His interest in colonisation started early. After the death of his half-brother, Sir Humphrey Gilbert, in 1583, he took over his schemes and got his very comprehensive charter renewed in his own name. A series of experimental settlements followed, interesting as being among the first systematic attempts at colonisation made by Englishmen, but doomed to failure partly through inadequate resources and partly through the unwise choice of a site. "If these two captains" (Amadas and Barlow, sent out by Raleigh in 1584) "had first dropped anchor in the Chesapeake instead of in the modern Albemarle Sound, the successful colonisation of Virginia would probably have been anticipated by a quarter of a century."[2] Then came White's voyage of 1587 and the tragic failure to find any trace of the colonists left behind at Roanoke. After this, Raleigh leased his patent to a company of merchants who did very little, and the real story of Virginia is not resumed till the granting of the charter in April 1606. But Raleigh's influence had been both direct and abiding; he had marked out once and for all the lines of future development. Virginia was to be a colony of white settlers, a home for Englishmen, not a mere trading depôt or the stronghold of a garrison. It was in anticipation of a great future that the charter of 1584 had guaranteed that the colonists should "enjoy all the privileges of free denizens of England". Moreover the economic incentive had not been overlooked by Raleigh, "the least that he hath granted being 500 acres".[3] Legal security and economic independence were to go together. Nor was Raleigh ever disillusioned or discouraged; "I shall yet live to see it an English nation", he was bold enough to prophesy in the dark days just before his fall. This unquenchable faith was not the least valuable of his services to the Empire.

In the meantime his interests had been diverted to Guiana, which meant then all the hinterland of the Orinoco, and far more than is suggested by the name to-day. He came back from his adventurous voyage of 1594 convinced of two things, the great potential value of the land and the importance of its being opened up and developed

[1] In Hakluyt, v, 1–14. [2] Bruce, *Economic History of Virginia*, I, 5.
[3] Hariot, *Briefe and true report of Virginia*, London, 1588 (ed. of 1900, p. 69).

in a more or less official way. "If it be left", he said in his *Epistle Dedicatory*,[1] "to the spoil and sackage of common persons; if the loss and service of so many nations be despised, so great riches and so mighty an empire refused, I hope Her Majesty will yet take my humble desire and my labour therein in gracious part." Subsequent explorers have confirmed many of his statements, such as the almost incredible rapidity with which the water rises in even the little inland creeks, and from the geographical point of view his narrative appears generally accurate. Unfortunately he was obsessed with the stories of El Dorado, and convinced that gold also was to be found in workable quantities in the white quartz which lay about abundantly. At any rate, little more is heard of Guiana until the fatal voyage of 1617, and meanwhile interest swings back again to Virginia.

If Raleigh thought of plantations in terms of gold and empire, thus combining the ideas of the past and of the future, other men were impelled by other motives. The missionary aspect is to be noticed, and is, indeed, the only one mentioned in the preamble to the Letters Patent for Virginia (10 April 1606). "The Kingdom of God will be enlarged" says the author of *Nova Britannia* (1609) "and the tidings of His truth will be proclaimed among so many millions of savage men and women who now live in darkness in those regions." Robert Gray, writing his *Godspeed to Virginia* in the same year, is equally emphatic: "far be it from the hearts of the English that they should give any cause to the world to say that they sought the wealth of that country above or before the glory of God and the propagation of His Kingdom." Similarly Captain John Smith, in the preface to his *General History of Virginia*, stresses the point that "the gaining provinces addeth to the King's Crown, but the reducing heathen people to civility and true religion bringeth honour to the King of Heaven". The ingenious Hariot, Raleigh's mathematical expert, is also careful to point out that the astonishment produced in the natives by the sight of his clocks and compasses "caused many of them to give credit to what we spake concerning our God. In all places where I came, I did my best to make His immortal Glory known." As against this, we have the complaint of George Thorpe, some years later, that "all the past ill success was owing to the not seeking of God's glory in converting the natives". Thorpe himself was not to blame for this, as he had taken a direct personal interest, on the spot, in the scheme for founding a Missionary College, but his statement shows that in practice the religious aspect of colonisation tended to fade into the background.

Among worldly motives, hostility to Spain took a prominent place. "That country", Sir Thomas Dale said of Virginia on his return to England in 1616, "being inhabited by His Majesty's subjects will put such a bit into our ancient enemy's mouth as will curb his

[1] To the *Discovery of Guiana*.

haughtiness of Monarchy." Of Guiana, Raleigh had already written "whatsoever prince shall possess it shall be greatest, and if the King of Spain enjoy it he will become unresistible". "Are three molehills so much for us and so many Empires so little to him?" asked Captain Smith. It is only in their rarer moments of caution that men remember that James, with his constant inclination towards the Spaniards, must be humoured and persuaded that no real injustice is being done to them. It was not tactful to compare Alexander's famous Bull with the forged decretals, asserting contemptuously "the first donation is an ancient fable and the other is a joke and a ridiculous invention". Captain Smith, in a more conciliatory spirit, urged that "our most royal King James I hath place and opportunity to enlarge his ancient dominions without wronging any, which is a condition most agreeable to his just and pious resolution". Usually, however, the anti-Spanish feeling is expressed with the greatest frankness. Gondomar, the Spanish ambassador, found in 1609 that "they are in a great state of excitement about that place [Virginia] and very much afraid lest your majesty should drive them out of it", and two years earlier the council in Virginia had written home for speedy assistance "lest that devouring Spaniard lay his ravenous hands upon these gold-shewing mountains". Raleigh is on occasion bitterest of all "against the ambitious and bloody pretences of the Spaniards who, seeking to devour all nations, shall be themselves devoured". But it was a race for time and the moment was assuredly propitious for a forward move. "The Spanish Empire hath been greatly shaken and hath begun of late years to decline....But if the King of Spain can obtain peace upon any condition reasonable... he will soon grow to his former greatness and pride." This policy did not necessarily mean an immediate outbreak of hostilities, but merely the weakening of the Spanish power by a vigorous development of permanent settlements in those parts of the New World where the enemy had not yet shown himself. Gondomar himself quite realised this point; "they preserve these places very carefully", he wrote home to Philip, "as it appears to them that they will be very useful to England if there should be war with Spain". This attitude of Raleigh may appear curious when it is remembered that he had been, at any rate in 1586, a pensioner of Spain. But that this practice did not imply treason to England appears from the similar behaviour of such men as the Earl of Salisbury (Robert Cecil), the Earl of Dorset (Thomas Sackville) and Sir William Monson.

Yet another motive for colonisation was to rid England of some of the surplus population from which many folk then believed her to be suffering. Naturally those thus forcibly emigrated were not of the best type (sent out, often enough, to "escape ill destinies" at home[1]), and this was even claimed as a virtue in discussions with the

[1] Smith, John, *Generall Historie of Virginia* (1907 ed.), I, 189.

Spanish envoys, who to allay their apprehensions were told that expeditions were being despatched not against them but, in Sir John Popham's words, "in order to drive from here thieves and traitors to be drowned in the sea".[1] The Spaniards affected to accept this explanation and Don Alonso de Velasco confirmed it when he wrote to Philip, "their principal reason for colonisation is to give an outlet to so many idle and wretched people as they have in England".[2] Gondomar is in the same vein when he tells a story of "some who have preferred hanging to going to Virginia". "A few days ago, when they were about to hang some thieves, three of them, the soundest and strongest, were chosen to go to Virginia. Two of them accepted, but the third would not, and seeing the two returning to gaol he said, Let them go there and they will remember me! Then he urged the hangman to shorten his work, as if he were thus relieved of a greater evil, and thus it was done." It was in this somewhat complicated guise, therefore, that the question of the Plantations then presented itself.

The pioneer must always be an adventurer, full of initiative and resource. At every hour of the day, at every step of the path, the qualities of leadership are essential to success. In the early stages of colonisation critical situations would often arise when the timorous commander would return to his base, or even to England, while the more adventurous would decide to press on. Later, when relations with native tribes were entered on, personal qualities, especially those of wariness and tact, would once more be all-important. Similarly, inside the growing settlement, it was only the born leader who could make the colonists work hard at preparing defence works and at food production, and, furthermore, restrain them from the tempting alternative of bartering away their weapons to the natives for corn. And there was room for neither democracy nor divided leadership in these young Plantations. Only a strong man could bind the divergent interests together and, above all, put down the factions and even plots which vexed the early communities. The council for Virginia had from the beginning insisted that "chiefly, the way to prosper and achieve good success is to make yourselves all of one mind for the good of your country and your own", but Wingfield, Ratcliffe, Martin, Yeardley, and many another could testify sadly to a contrary experience; while only a few, such as Sir Thomas Dale and perhaps Captain Smith, were able to overcome these obstacles "by wisdom, industry and valour", as Sandys said of Dale, "accompanied with exceeding pains and patience". Unfortunately men of this character were less often to be met with than either the self-seeking mischiefmakers or the well-meaning nonentities.

Raleigh himself was fearless, knew what he wanted and was quick at making decisions, but had few opportunities of command. In

[1] Brown, A., *Genesis of U.S.* 1, 46. [2] *Ibid.* 1, 476.

Ireland and at Cadiz he was definitely in a subordinate position, and felt it keenly. When he *was* in command, his difficulties were generally great and his resources inadequate. In his first Guiana expedition he had to come back prematurely because of the tropical rains and the approach of winter. On his final voyage his crew, "some forty gentlemen excepted, were the very scum of the world"; in the end, his son was killed, his second in command committed suicide and his sailors mutinied. But his chief hindrance (before 1603) was his popularity with the Queen, who could seldom be induced to let her favourite leave her, even for a short period. Consequently his personal share in the discoveries was small and in the consequent settlement still less. It was his contribution to be an *entrepreneur*, to organise the adventures of others, and to stimulate the imagination of his fellow-countrymen by suggesting to them that they should establish no mere trading depôts but permanent colonies where generations of Englishmen yet unborn could spread and multiply. But his schemes were vitiated in part by haste and lack of forethought and in part by his over-emphasis on gold, and when, as in Virginia, gold was not in the end forthcoming, there was, unfortunately, a general tendency to consider the colony a failure.

On this vainglorious and petted Elizabethan fell the blight of Jacobean inconstancy. The result is well known—the accusation of treason and the travesty of a trial, followed by thirteen years of imprisonment in the Tower; "no man but my father", said Prince Henry, "would keep such a bird in a cage". But Raleigh used his enforced leisure to exercise his unrivalled mastery over the English language, producing many attractive "Discourses" as well as his *magnum opus*, the First Part of the *History of the World*. Then came the final phase, fourteen months of quiet freedom, leading up to the ill-starred second voyage to Guiana, the return, the immediate arrest and the almost immediate execution, based on the verdict of guilt given fifteen years before.

But in an age of unfettered individualism, attention should not be confined to any one person, however brilliant. Of other leaders the most interesting is the self-confident Captain John Smith, whose life, however, belongs rather to the history of the Virginia Company. Beside him stand John Pory, himself no mean explorer and, for four years, secretary in Virginia; Captain John Martin, "the only man to protest against the abandonment of Virginia on the memorable morning of June 7, 1610";[1] Thomas Hariot, Raleigh's mathematical and engineering adviser; John Rolfe, who married Pocahontas and brought her over to England; Elfrith, "the man who carried the first rats to the Bermudas and the first negroes to Virginia";[2] Sir Edwin Sandys, the promoter of the Free Trade Bills of 1604; Nicholas Ferrar, of Little Gidding fame; Samuel Argall, who discovered the

[1] Brown, A., *Genesis of U.S.* II, 944. [2] *Ibid.* II, 886.

direct route to Virginia as against the earlier way *via* the Canaries or the Azores; and noblest amongst them Richard Hakluyt. To few men does the Empire owe more than to the stay-at-home clergyman who, by his enthusiastic and industrious editing of the voyages of others, did so much to inflame interest and point out the way of the future. "The time approacheth, and now is, that we of England may share and part stakes (if we will ourselves) both with the Spaniard and the Portingale in part of America and other regions as yet undiscovered." Nor was his a narrow influence. He saw clearly that "the advancing of navigation, the very walls of this our island" was no less important than colonisation itself, and he pressed for the establishment of a Readership in the art of Seamanship to be set up either at London or Bristol; furthermore he advocated investigation into the causes and cure of tropical diseases, and was himself a shareholder in the Company of Merchants which took over Raleigh's Virginia patent in 1588, and in many other companies. The first volume of his *Principal Navigations* appeared in the following year, while so early as 1584 he had, at Raleigh's suggestion, written and presented to the Queen his stimulating *Discourse of Western Planting*. It is hard for us to realise the extent of his labours, but "the ardent love of my country devoured all difficulties"; and, as his fame grew, not a sailor or explorer left these shores but reported to him on his return anything of interest that had occurred, Raleigh being, as Hakluyt acknowledges in his *Preface*, a particularly valuable source of information. When he died (in 1616) England's colonial empire was still nascent, but it was Hakluyt's patient labours and glowing pen which had kept alive the interest and curiosity of his fellow-countrymen during a difficult period of discouragement and failure. It was the atmosphere created rather than the results achieved which was of importance, and the warrant of ultimate success, as has been pointed out, lay in "those long and dull lists of unknown names of merchant promoters, gentlemen adventurers, intending colonists and ships' companies which give so business-like an air to Hakluyt's pages".[1]

II. NATIONAL SECURITY AND EXPANSION, 1580–1660

For their new oceanic career the English people possessed great natural advantages. In the sea-hemisphere their position was central, as contrasted with that of Spain, whose fleets were partly in the Mediterranean, partly in the Atlantic, besides having often to convey troops and money by sea to the rebellious Netherlands. Over against these scattered possessions and diverse interests stood England, compact, self-sufficing and strategically dominant so long as the Dutch successfully resisted Spanish rule. The two Protestant peoples soon perceived their strength. First the Dutch, then the English, preyed on

[1] Raleigh, W., *English Voyages* (1910), p. 193.

Spanish succours as they straggled along the English Channel. The Dutch revolt revealed the inherent weakness of Spain, which, as will duly appear, received its crowning illustration in the campaign of the Armada. And while the two maritime peoples harried her in the Narrow Seas, they also raided her overseas empire. Never were there greater temptations to privateering, the Spaniards being unable to observe the main ports whence our seamen stole forth to the Indies. England's strategic advantages over France were less marked, until, for political reasons, Richelieu stationed part of the French Navy at Toulon, where it was isolated from the main body in the Atlantic ports. On the other hand, the English Navy could quickly concentrate to command the Narrow Seas. Facing the Dutch and Germans, the British Isles stretch like a gigantic barrier reef barring the way to the ocean—a fact which goes far to explain the results of naval wars with those peoples from 1652 to 1918.

Such were the geographical facts largely determining the course of the world-struggle which became certain in the year 1580. Two events then occurred which sharpened the tension between England and Spain. In September Drake's sole surviving ship, the *Golden Hind*, cast anchor in Plymouth Harbour, ballasted with the gold and silver of Spain's vast and hitherto intact Pacific preserve. At the close of the year Philip II of Spain followed Alva's conquering troops to Lisbon, and assumed control over Portugal and her vast overseas empire, extending from Brazil to Macao. The one event emboldened Englishmen to challenge the might of Spain; the other empowered her to take up their impudent challenge. To continental statesmen the attitude of the English sea-dogs, and finally of Elizabeth, seemed mere folly. They deemed her the illegitimate queen of "half an island",[1] in danger from hostile or suspicious Scots and openly rebellious Irish. The four millions of English were but a handful beside the great peoples ruled by Philip II of Spain in his Iberian, Italian, Burgundian, Netherland and overseas domains. Her revenue was a precarious half-million sterling: his was bounded only by the power of the officials of New Spain to extort and of English "pirates" to intercept. His shipbuilding resources in Europe far exceeded hers, vessels being also obtainable in the Spanish Indies, where wood and iron abounded;[2] and in 1580 his fleet, with the Portuguese and Italian contingents, was deemed far more powerful than hers, which comprised only twenty-five capital ships.[3] Accordingly, when Drake boasted that, with his own few ships, he could impeach the whole Spanish fleet, Arundel roundly rebuked him, adding that Philip alone could war against all the world united.[4] In truth, Spain was the only

[1] *Cal. St. Pap. Venetian*, 1581–91, no. 642.
[2] *Ibid.* no. 940.
[3] Corbett, *Drake and the Tudor Navy*, I, 352.
[4] *Cal. St. Pap. Spanish*, 1580–6, p. 307.

World Power; and the prospect of the distracted French, the schism-rent English or the exhausted Dutch rebels, ever seriously challenging her across the oceans seemed the wildest of fancies.

Yet Drake's boast was far from empty. The forthcoming struggle between England and Spain must be decided almost entirely at sea; and on that element the English had begun to assert their superiority. Since the time of Henry VII the English Royal Navy had been an efficient force, long under eclipse, but now, in the third decade of Elizabeth, rapidly recovering its former efficiency. The people were more and more taking to the sea. Since the year 1550, when the fore-and-aft sail came into general use, our seamen had steadily improved their craft, gradually adapting them to oceanic voyages. The increase of the Levantine trade alone would demand thoroughly sea-going ships. But in and after 1576 the voyages of Frobisher and Davis for "the discovering of a passage by the north to go to Cataia [Cathay]" showed the need for stoutly built ships and dauntless seamanship.

Even before Drake's return shipbuilding was brisk: "They are daily building more (wrote Mendoza to Philip II on 20 February 1580); but the moment the Spanish trade fails them and they are not allowed to ship goods to Spain, they will stop building, as they have no other trade so profitable".[1] Never was there a worse forecast. After Drake's return, the wealth of both the Indies acted as an irresistible lure. When the adventurers, including Elizabeth, received £47 dividend on every £1 invested, ordinary trade profits seemed humdrum.[2] Shipbuilding became a veritable craze. Mendoza urged Philip to issue orders "that no foreign ship should be spared in either the Spanish or Portuguese Indies, but that every one should be sent to the bottom....This will be the only way to prevent the English and French from going to those parts to plunder; for at present there is hardly an Englishman who is not talking of undertaking the voyage, so encouraged are they by Drake's return".[3] The policy of *spurlos versenken* was in vain. Joint-stock companies of a privateering turn satisfied both the patriotic feelings and the sporting instincts of the race, so that dull honest enterprises, such as the founding of colonies, suffered; the expenses of planting each colonist being reckoned at £40, prospects paled beside those of privateering, where profits had touched 4700 per cent.[4]

Therefore the privateering boom continued unabated. Whereas in 1578 there were computed to be in England only 135 vessels of more than 100 tons,[5] the official survey (exclusive of Northumberland) ordered in 1582 by the Lord High Admiral, showed a total of 223 ships of more than 80 tons;[6] and in 1588 there were 363. Of seamen

[1] *Cal. St. Pap. Spanish*, 1580–6, p. 8.
[2] Corbett, I, 410.
[3] *Cal. St. Pap. Spanish*, 1580–6, p. 55.
[4] Scott, W. R., *Joint Stock Companies*, I, 86–8, 446.
[5] Charnock, J., *Marine Architecture*, vol. II, chap. iii.
[6] *Naval Tracts of Sir W. Monson* (Navy Records Society), III, 187–92.

there were at the earlier date 16,306. This growth, coming after the experience gained in Atlantic voyages, was in fast, sound, weatherly ships, which provided an invaluable reserve in days when a merchantman could readily become a "ship of force", and a merchant seaman a man-of-war's man.

Still more marked was the superiority of the English Navy. It was indeed the only force which possessed long experience of the heavily-gunned sailing ship. During the Religious Wars the French Navy greatly declined. As for Spain and the Italian States, they still trusted mainly to the galley, their victory of Lepanto over the Turk (1571) having confirmed their faith in a swarm of light, oar-propelled craft, whose offensive strength lay in bow-fire and ramming. Italian seamen, it is true, had invented the sea-going galleon; but they and the Spaniards used it little for war, preferring the galleasse, a large but lightly built galleon which could be propelled by sweeps. All their craft were poor sea boats, pitching and rolling heavily in a seaway. As regards tactics the Spaniards were still in the galley stage, trusting less to cannonade than to boarding, for which their towering fore and aft castles were well adapted.

On the other hand, English shipwrights, under the tutelage of Sir Richard Hawkins, had evolved a sea-going warship, independent of oars, carrying three masts and fore and aft castles of only moderate height, able therefore to sail near to the wind and to choose their position for the broadside fire in which lay their chief strength. In short, while the Spanish ship was a castellated structure adapted for boarding, the typical English ship was a swiftly moving engine, able to elude the enemy's boarding tactics and crush him by gunnery. It is true that Hawkins in 1593 pronounced in favour of the high-pooped ship, as mounting more guns and "overtopping and subjecting the enemy". But Raleigh's experiments in shipbuilding led him to endorse the Spanish proverb *Grande Navio grande fatiga*; and he recommended a handy, strong-built, fast ship, able to work her guns in all weathers.[1] This became the English type, embodied in the *Revenge* (40).

An undated report by a Spanish captain, Luis Cabreta (probably of 1586 or 1587), warns Philip not to trust in his galleys—"they may be of some little use, perhaps, in the Mediterranean but they are of small importance elsewhere". He then advises the building of "12 or 15 ships of the newly invented vessels" (probably of the English type), whereupon "Your Majesty will be the indisputable lord of the sea at all times", though now, through lack of ships, seamen and gunners, the Spanish coasts are liable to insult.[2] Subsequent events sounded the death-knell of the galley, at least in the open, Captain

[1] Raleigh, Sir W., *Observations on the Navy and Sea-Service* (Lond. 1650), pp. 2–4; Oppenheim, M., *Administration of Royal Navy*, pp. 126–34.

[2] Brit. Mus., Add. MSS, 28,420.

Thomas Fenner declaring in May 1587 that twelve English warships could dispose of all the 150 galleys of Spain.[1] The superiority of English guns and gunnery was also very marked.[2]

A vital factor in sea power is sea-endurance, that is, ability of ships to ride out gales, and of crews to retain health and efficiency. Herein, according to Admiral Sir William Monson, Elizabeth's Navy marvellously excelled; for, though very rarely in harbour and operating continually on the Spanish coasts or in the Indies, "abiding and enduring the fury of all winds and weather", yet in eighteen years of war, it lost only one ship, the *Revenge*, and that one thrown away only by the obstinacy of Sir Richard Grenville.[3] This excellence Monson ascribed less to the ships than to the shipmen, trained as they were by constant battling with our stormy seas, whereas of the Spaniards only the "Biscainers" underwent the like salutary rigours in their annual fishing voyages to Newfoundland.[4]

From the reign of King John the kings of England claimed the sovereignty of the adjacent seas and in sign of it required alien ships to lower their topsails and often to submit to search. Elizabeth, however, claimed no exclusive right over these seas or ownership of the fisheries, such as the early Stuarts were to advance. In fact, she disallowed the idea of possession of the seas and oceans; for "the use of the sea and air is common to all; neither can any title to the ocean belong to any people or private man". On these grounds, while maintaining the national policy in home waters, she encouraged her subjects to break down the oceanic monopoly of Spain,[5] which barred the way to enterprise and colonisation in habitable regions. To do so was the necessary preliminary to the founding of the Empire.

Success at sea requires not only good crews and good ships, but a sound naval policy. This arises naturally from islanders' experience of their advantages, needs and dangers. The quintessence of English policy is found in this central thought of the little poem *The Libel of English Policy* (1430)—

> Kepe then the sea that is the wall of England:
> And than is England kept by Goddes hande;

The obverse of that truth was set forth about 1570 by John Montgomery in a pamphlet which described the sea as a highway for England's enemies unless she held it firmly; but if she did, it was the best of frontiers. As for our warships, he praises them as the best in the world, and urges the need of forty of them, with as many large merchantmen. Disclaiming the notion of completely commanding the sea, he declares that such a fleet would prevent invasion, and to

[1] Monson's *Tracts*, I, 144–6; *The Spanish War*, 1585–7 (Navy Records Society, 1898), p. 140.
[2] *Cal. St. Pap. Foreign*, XXI, pt 1, pp. 58, 518.
[3] Monson's *Tracts*, II, 263.
[4] *Ibid.* II, 66–9.
[5] See chapter VII: also Fulton, T. W., *The Sovereignty of the Sea*, chaps. i–iii.

this end advises the stationing of it in three parts, off Scotland, in the Channel and off Ireland.[1] This parcelling out of the fleet in three parts, each acting on the defensive, of course sins against the elements of naval strategy. Luckily, by the testing time of 1588, Drake had come to sounder conclusions. His raids on the Spanish Indies in 1571, 1574 and 1585 had proved the sovereign worth of surprise in warfare, and surprise involved a sudden offensive. Monson blamed him for evacuating his chief conquest, Cartagena, in 1585; but to hold it would commit England to a defensive campaign in the West Indies; and this Drake wished to avoid. To drain away Spain's overseas wealth by a succession of sudden blows, while not oneself offering any colonial hostages to fortune, was surely sound sense until the great issue with her was fought out in home waters. Not until then could England safely venture upon a colonial empire. The radical difference between her and her rivals—Spaniards and Portuguese—was that they attempted too much overseas too early in their maritime development; she adapted her colonial policy to the existing naval means.

Elizabeth and Philip drifted into hostilities, perhaps unwillingly, for both made pacific proposals, and neither ever issued a declaration of war. Nevertheless, war came as the result of the intrusion of Englishmen into Philip's preserves and his reprisals, also of his help to Elizabeth's Catholic malcontents, especially in Ireland from 1579 onwards, and her support of his Dutch rebels. This last step was strongly recommended by her ablest statesman, Walsingham, who discerned the weakness of Spain in the division of her forces[2] and urged the traditional English policy of opposing the subjection of the Dutch and Flemish coasts by any great conquering Power. By a sure instinct the islanders have always looked closely to the protection of their east coast, so easily invaded from the harbours of Flanders. This instinct, arising out of imperious naval considerations, has prompted English action at all grave crises from the Battle of Sluys (1340) to that of Jutland (1916), and it probably induced Elizabeth and Walsingham to challenge Philip at his most vulnerable point. For them to allow Spain, swollen with the spoils of the Indies, to remain master of the coasts opposite the mouths of the Thames and Humber, would be to consign England for ever to insignificance. Equally impossible was it for Philip to allow English seamen always to threaten, and often to seize, his reinforcements proceeding by sea to the Netherlands.

Thus the crucial step in England's development was reached in March 1585, when Walsingham induced the oft-wavering Queen to accord open support to the Dutch. Resolving to drive a hard bargain with "rebels", she required as pledges the ports of Flushing and Brill in return for the despatch of 4000 troops. During the haggling over these terms Antwerp fell to Parma's veteran army—a disaster that proved lastingly prejudicial to English naval interests. The bargain,

[1] Corbett, I, 344–8.

[2] *Cal. St. Pap. Foreign*, XXI, pt 1, p. 286.

however, was struck, and Elizabeth secured "the cautionary towns", Flushing and Brill, which gave some measure of control over the North Sea.[1] Speedily Philip retorted by seizing all English and French merchantmen in his Biscay ports, selecting their crews to fill out the imposing but hollow fabric of his Armada.[2] Thenceforth, despite sundry pacific shifts and turns, in which Elizabeth excelled him, he prepared for open war.

He might well expect to overbear the little Power which contested his claim to world-empire. He counted on active help from the almost triumphant Catholic League in France and expected that all the Irish, most Scots, and from one-third to one-half of the English would join him after a landing.[3] On the other hand Elizabeth's aid to the Dutch, albeit tardy, embarrassed the Spaniards in that quarter; for the nimble Dutch squadrons, supported from England, often intercepted the succours from Spain. Another weak spot in Spain's armour was Lisbon, where the people were ready to rise for Don Antonio, the Portuguese claimant, whenever Elizabeth could send a squadron with him on board. She also assisted Henry of Navarre and the Huguenots against the Catholic League; and, by stirring up the Turks to prepare a great fleet of galleys, threatened Philip's rear in the Mediterranean. Such was her success that the Pope privately confessed his preference for the heretic over the saint. Moreover, while England was nearly self-sufficing, Philip's unwieldy empire depended on the gold and silver of the Indies. As the Venetian ambassador at Madrid remarked: "Should the *flota* (from the Indies) fall into Drake's hands, that would mean the ruin of half Spain, as indeed will happen if the fleet does not arrive this year; for they say that a mere delay will cause the failure of many merchants in Seville".[4]

Englishmen, however, had to face grave economic difficulties. The sudden cessation of trade with Spain, as also with Germany, owing to her occupation of towns on the Lower Rhine, brought many merchants to the verge of ruin. Accordingly, in November 1586 Mendoza recommended Philip to station a force of galleys in the Straits of Gibraltar for the interception of English trade with the Levant and the Barbary States, whereupon "they will be driven into a corner without any commerce or navigation". Nothing, apparently, came of this plan of commercial strangulation, which recalls that of Philippe le Bel in 1297 and foreshadows the continental system of Napoleon. The enemies of England have adopted the scheme only as a last resort, when direct attack has failed; and in 1586 Philip was confident of conquest.

Even in this first encounter Spain and England pursued diverse

[1] Read, C., *Walsingham and the Policy of Elizabeth*, vol. III, chap. xiii; Edmundson, G., *Anglo-Dutch Rivalry*, 1600–50, chap. i; *Fugger News Letters* (2nd series), nos. 190, 195, 196.
[2] *Cal. St. Pap. Venetian*, 1581–91, no. 275.
[3] Laughton, J. K., *Defeat of the Spanish Armada* (N.R.S.), II, 19.
[4] *Cal. St. Pap. Venetian*, 1581–91, no. 524.

war policies destined profoundly to influence their overseas development. While Philip prepared systematically and slowly to crush Elizabeth by sheer mass, her seamen retorted by a swift rapier thrust. In April 1587, with twenty-five sail, mostly small, Drake dashed into Cadiz, routed the Spanish galleys, destroyed two great ships and thirty-one small ones, and brought off four provision ships, thus spreading panic[1] and paralysing the Armada for that year. Next, discerning safety for England only by acting vigorously on the enemy's coast, he occupied Sagres Castle, near Cape St Vincent, so as to separate the south Spanish fleets from those of Lisbon and the Biscay ports. But Elizabeth, always prone to half measures, ordered him home. Her sailors, however, still clung to the offensive, even the cautious Lord High Admiral, Howard of Effingham, pointing out in mid-June that at no point in home seas could a fleet guard these islands, and that we must meet and defeat the enemy in his own waters.[2] This statement marks the official acceptance of that offensive strategy which has assured the safety of England and her Empire at many crises. If Howard and Drake had not been driven back by a sou'wester, the decisive battle of the war would have been fought off the north-west of Spain early in July 1588.

On the other hand Philip and his commander, the Duke of Medina Sidonia, had not grasped the *sine quâ non* of a successful invasion, viz. thoroughly to beat the defending navy. Philip ordered the Duke to make straight for the English Channel so as to join off "Cape Margate" Parma's transports conveying the Dunkirk army from the Flemish ports to the mouth of the Thames. If the English fleet approached, he might assail it; but, preferably, he should keep his force intact in order to guard the transports. This entirely military view of the problem governed the details of the expedition, the soldiers always flouting and dictating to the seamen, or even turning them out of their quarters and leaving them shelterless.[3]

Acting in this spirit, Medina Sidonia with about 120 ships let slip the golden opportunity of defeating the smaller English force as it struggled painfully out of Plymouth to gain the western or windward position (20 July). Now, as always, his preoccupation, to get in touch with Parma at Dunkirk, condemned him to defensive tactics which played into the hands of Howard and Drake. Speedily the defenders were encouraged by the arrival of volunteer ships, which (says Hakluyt) "with one accord came flocking thither as unto a set field, where immortal fame and glory was to be attained".[4] Even when the wind swung to the north, off Portland, the Spaniards failed to attack, and the nimbler defenders, once more gaining the weather gauge, resumed the offensive with such effect that at nightfall the

[1] *Cal. St. Pap. Foreign*, XXI, pt I, pp. 335, 493.
[2] Laughton, J. K., *Defeat of the Spanish Armada*, I, 196, 200.
[3] Duro, F., *La Armada Invencibile*, II, 469.
[4] Hakluyt, II, 386.

enemy "gathered their whole fleet into a roundell", and bore away eastwards. Howard now divided his array (finally numbering some 130 units) into four squadrons under himself, Drake, Hawkins and Frobisher; but the tactical arrangements on both sides were tentative and elementary. Certain it is that the brunt of the fight fell on the twenty-three large royal ships which daily plucked Sidonia's tail feathers, until it was a morally beaten force which cast anchor off Gravelines. Meanwhile Parma's light craft (little better than river boats) could not beat out of Dunkirk and Nieuport against the prevalent westerly winds,[1] which for the time rendered needless the presence of English and Dutch blockaders. Thus, after sacrificing a good chance of victory off Plymouth in order to gain touch with Parma, Medina Sidonia never caught sight of that windbound and unseaworthy flotilla. Beaten off Gravelines, he ran for the northern exit of the North Sea. Less than half of the Armada reached Spain; and the disaster sent through Catholic Europe a thrill of horror rivalling in intensity that of exultation which pulsated through England and Holland. Patriots vaunted the size and terror of the Spanish, Italian and Portuguese galleons now overcome by the smaller island craft, forgetting that the latter were better armed, better manned, and better worked, besides at the start gaining the weather gauge. But joy at the deliverance from a great fear stopped not to reason why. Enough that the Spaniards "with all their so great and terrible an ostentation did not in all their sailing about England so much as sink or take one ship, bark, pinnace or cockboat of ours, or ever burnt so much as one sheepcote of this land". Well might the Londoners, at the solemn thanksgiving of 29 November, hail Elizabeth as, under God, the preserver of the realm. Forgotten were her shifts, turns and petty economies, even her maritime strategy, as ultra-feminine as her whims and wiles. Now at last men understood her thirty years of dalliance and delay, which deferred the conflict until her patient tact had made of England a united nation, able to give stiff backing to the sea-dogs whom she had coyly reared.

The connection between Philip's invasion plan and the overseas activities of the two peoples remains to be noted. His attack on England had compelled her to recall her raiding squadrons for the defence of the realm. Consequently the Peruvian treasure-fleet, escaping all danger off the Azores, now arrived safely at San Lucar. Clearly another attack on England was the best protection of the Indies and their bulwark, the Azores. "If" (wrote Lippomano, Venetian ambassador at Madrid) "the Azores were captured, that would be the end of the Indies; for all ships have to touch there."[2] Pride and prudence, therefore, counselled another offensive, which seemed the easier owing to the failure of Drake's and Norris's attempt

[1] *Cal. St. Pap. Spanish*, 1587–1603, pp. 245, 355, 371.
[2] *Cal. St. Pap. Venetian*, 1581–91, nos. 770, 775, 788.

on Corunna and Lisbon (1589). Drake's ships arrived in the Tagus "with not enough men [i.e. soldiers] fit to attack a boat", and Drake had to withdraw to the open, there consoling the shareholders of this joint-stock venture by capturing "eighty Hansa hulks". Elizabeth vented her spleen on Drake by slighting him and leaving him unemployed during five years. Such was the year 1589—a drop from the sublime to the stock-jobbing.

Philip's great preoccupation now became the defence of the Azores, to which focal point his new Catholic Armada of forty great and twenty small ships finally sailed.[1] For him the issue of the war turned on the arrival of the annual treasure-fleet bringing what Mun terms "the very sinews of his strength". After it arrived in November 1589 there was great activity in the shipyards, eleven galleons on the English model and nine on the Portuguese model being constructed in the Biscay ports.[2] Again in September 1590 the flagship of the East India fleet arrived bearing great riches. Thereafter the West India *flota* from Havana arrived safely with a vast sum (March 1591). The total amount brought by the treasure fleets to Spain in this war is not known; but the well-informed Venetian ambassador at Madrid estimated that between August 1587 and November 1600 they had imported a sum equal to 108,240,000 millions of gold (i.e. ducats), or about £29,766,000.[3]

As Philip did not strike directly at England, our privateers resumed their activities, but with small results. The Earl of Cumberland with four ships in 1589–90 seized some valuable ships, but not the fleet which he sought. Frobisher with four of the Queen's ships fared little better; for he brought back safely to port only two out of several prizes; these two were worth £15,000, but the expedition had cost Elizabeth £11,320[4]—a sad falling off from the golden days. Our privateers did not spare the Germans and Dutch, so that in 1590 we were branded as the enemies of the world.[5] In 1591 the Queen speculated on the luck of a new man, Sir Thomas Howard, cousin of the Lord High Admiral, who was to sail to the Azores on the "Grand Quest". But Philip, hearing of the design, sent out a great fleet to surprise Howard. Off Flores the Spaniards nearly caught him, and his second in command, Sir Richard Grenville in the *Revenge*, refusing to flee, fought that epic fight against fifteen warships in succession, which left him and his ship stricken to a glorious death. Not Howard but the elements conspired to avenge Grenville. On the battered and worm-eaten Spanish ships, many of which had been detained a year in the West Indies, there burst a tempest fatal to most of them—a loss to Philip almost as great perhaps as that of the Armada of

[1] *Ibid.* nos. 836, 863, 873, 968.
[2] *Ibid.* nos. 894, 898, 899.
[3] Monson's *Tracts*, II, 339–40 n.
[4] *Ibid.* I, 239.
[5] *Fugger News Letters* (2nd series), p. 208; also pp. 219–21, 235–43.

1588. By good fortune Howard escaped the storm; but thenceforth Elizabeth lost her taste for these western ventures, which were risky now that Spain protected the Indies by fleets and forts.

As for Englishmen, they were still attracted by privateering more than by colonisation, which indeed was unsafe while the Spaniards, with greatly improved ships, contested the mastery at sea[1] and gained ground in northern and western France. The danger to our coasts was obvious in 1595 when from Blavet in Brittany an enterprising Spanish captain, Amerola, with four galleys, raided and burnt Mousehole, Newlyn and Penzance. Elizabeth's retort, hesitatingly adopted in August, of loosing Drake and Hawkins on the Indies, was a failure. The Spaniards were on the alert: the two old sea-dogs first quarrelled, then sickened, and in quick succession died near the scenes of their early glories. Near home things went even worse. Despite English help to Henry IV of France he lost ground to Parma's army and the still malcontent Leaguers. Finally Calais was in danger. At this threat England was deeply moved. With Antwerp, Nieuport and Dunkirk in the power of Spain, and Ostend and Calais in peril, an invasion of Kent by a fleet of galleys seemed an affair of weeks. At Henry IV's request Elizabeth prepared to redouble her succours to France, but only on condition of holding Calais in pledge. During these hagglings, the Spaniards took the place by storm (9 April 1596).

The land power seemed now on the brink of success; for Philip's persistence and Parma's genius again menaced England with invasion and pinned her to the defensive. How should she recover the initiative, which in war compels success? Fortunately the memory of Drake's exploit at Cadiz inspired in Essex and Raleigh his indomitable resolve to forestall, not to await, attack. Wayward and inconstant in their enterprises, these two favourites of the Queen possessed the priceless gift of warlike imagination; and to the lunge of the Spaniard at Kent they dealt the *riposte* at Cadiz. The secret of their design was well kept. Under the Lord High Admiral, Howard, served Essex, Lord Thomas Howard and Raleigh. The expeditionary force comprised forty-seven warships and transports carrying over 6000 troops. By mid-June it was ranging the coast of Spain, carrying with it a rising surge of terror. "The Spaniards" (wrote Nani, Venetian ambassador at Madrid) "would not believe that after the death of Drake and the scattering of his squadron, coupled with the loss of Calais, the English would think of moving to any great distance to harass their neighbours."[2] Would the fleet seize the Bayona Isles, enter the Tagus, or make for the Azores and the treasure-fleet? It made straight for Cadiz.

On 20 June Howard struck swift and hard. The city fell to Vere's veterans from the Dutch wars, and was held for a fortnight, while

[1] Monson's *Tracts*, IV, 66–78.
[2] *Cal. St. Pap. Venetian*, 1592–1603, no. 431.

Xeres, San Lucar and Seville trembled in expectation of the like fate.[1] At Madrid, the drum was beaten "to raise troops for the imminent peril of this kingdom". Not more than 2000 harquebuses and muskets could be found, despite search in private houses; and the terrible truth was laid bare that, while Philip conquered in France and exploited the New World, he was almost defenceless at home. Essex urged the retention of Cadiz, with himself as governor. He was overruled, perhaps from jealousy, or because the men were sickening with the heat, wine and fruit. Elizabeth (always timid in naval affairs) seems never to have contemplated holding the place, though that step, albeit expensive, would have paralysed Spain at sea and given England the mastery of the New World. On 4 July Howard sailed away, carrying off eighteen Spanish vessels full of spoils, besides those seized by the troops. Idiaquez, Philip's secretary, supplied the caustic comment—"The English know how to conquer but not how to hold".[2]

Philip's pious persistence was proof even against this last disaster. Still bent on revenge, he appropriated the treasure brought in safely by the Havana fleet, repudiated the State debts, and laid hands on all ships in Spanish harbours. Thus, the third and last Catholic Armada rapidly took form; and in October he bade it sail, probably to help the rebel earls in Ireland. In vain did the officers beg him not to send forth this commandeered force into the autumn gales. In reply came a more imperious order to depart. They obeyed, whereupon off Finisterre a storm caught them, destroying some thirty vessels, with more than 2000 troops on board, and scattering the rest along the coast. From the ships which made Ferrol, all but 2500 seamen deserted by the new year.[3] Therefore the hapless force never left Spain; and Parma's further victories in Picardy were fruitless. In fact, Spain never recovered from the blows dealt by the English at Cadiz and by nature off Finisterre. In May 1598 Philip made peace with Henry IV, ceding his conquests in France, including Calais. Four months later he died, and bigoted pertinacity gave place to voluptuous frivolity in the person of Philip III.

It has been necessary to review briefly these events because the persistence of Spanish efforts down to the year 1597 helps to explain why Englishmen had not before then succeeded in founding colonies. The fact was that Philip's vast resources, his possession of Flemish and French ports and his dogged resolve to strike at Elizabeth through them or through Scotland or Ireland, placed England on the defensive and aroused constant alarm. One by one his expedients failed. The French Catholics, the Irish, the Scots, his fleet—all in turn disappointed him. But not until the year 1597 was England safe from

[1] Monson's *Tracts*, I, 344–54; Corbett, *Successors of Drake*, chaps. iii, iv; *Fugger News Letters*, p. 280.

[2] *Cal. St. Pap. Venetian*, 1592–1603, no. 470.

[3] *Ibid.* nos. 506, 507, 519.

invasion. Therefore until that year privateering and not colonisation absorbed the energies of her sons. The last venture of Drake and Hawkins, also the attacks of Dudley on Trinidad, of Somers, Shirley and Parker on the West Indies, and of Raleigh and Popham on the Orinoco were little more than raids, serviceable only as exhausting Spain and advancing English seacraft. The one serious attempt at conquest, that of Porto Rico by the Earl of Cumberland with eighteen vessels, failed through lack of man-power (1597).[1]

Yet the Age of Elizabeth, though not formally decisive in war, spurred on Englishmen to deeds which made for supremacy at sea. Her challenging personality roused England to enterprises hitherto unimagined; and war, commerce and literature felt the ocean's tang. It adds spice to the prose epics of Hakluyt and Purchas, and inspires Drayton's panegyric of England and her Queen—

> who sent her navies hence
> Unto the either Inde and to that shore so green,
> Virginia, which we call of her, a virgin queen.[2]

Samuel Daniel in his *Musophilus* (1599) projects his vision into the future—

> And who (in time) knows whither we may vent
> The treasure of our tongue? To what strange shores
> This gain of our best glory shall be sent
> T'enrich unknowing nations with our stores?
> What worlds in the yet unformed Occident
> May come refin'd with th' accents that are ours?

And Bacon thus distils the essence of policy—"He that commands the sea is at great liberty and may take as much and as little of the warre as he will". So swift and yet so vital in this age was the interaction between bold deeds and inspiriting thoughts. Together they raised our people to heights never known before and implanted in the national consciousness an abiding memory and ambition.

Hitherto the war-spirit, manifested in privateering, had told against both commerce and colonisation. So far as is known, only eighty-one merchantmen of more than 200 tons were launched during Elizabeth's reign,[3] the demand being great for swift privateers. Raleigh complained that the Dutch built far better cargo vessels, which were engrossing our carrying trade and poaching upon our valuable fisheries.[4] But this was not all. With the seventeenth century dawned a new age destined to be one, not so much of romantic exploit, as of commercial exploitation. In developments in the Orient, though James Lancaster had pointed the way, the lead lay with the Dutch, who had in 1593–4 formed companies for the furtherance of their East India

[1] Hakluyt, VII, 164–224, 272–356; *Cal. St. Pap. Venetian*, 1592–1603, nos. 566, 750.
[2] Drayton, *Polyolbion* (Song 17).
[3] Monson's *Tracts*, III, 431 n.
[4] Raleigh,... *Trade and Commerce of England with the Dutch*... (1603); so too Mun, chap. xix; and Gentleman, T., *England's way to win Wealth* (1614), pp. 7–10.

trade. The opportunity was great and the profits sometimes reached 400 per cent.[1]; for the discontent of the Portuguese under Spanish rule yielded an easy victory to Dutch organisation and persistence. In 1598 England and the United Provinces made a treaty of mutual support, which helped on Anglo-Dutch incursions into both the Indies; and in the sequel mercantile efforts reached a higher plane of organisation, as appeared in the English East India Company (1600) and the concentration of the Dutch on the joint-stock Universal East India Company (1602).

By this effective union of capital and maritime enterprise both Companies were able to build far larger and better armed ships, suitable for the long and dangerous voyage to the East.[2] From the time of the Phoenicians the greatest maritime progress has been achieved by the peoples who persistently attempted the longest and most gainful voyages. As Mun wrote (chap. iv), "remote trades are most gainful to the Commonwealth". The East now became the most coveted goal; and the development of naval construction, first of merchantmen and then of protecting warships, has in the main corresponded to the vital needs of oriental trade. First, the Portuguese with their great carracks; then their conquerors, the Dutch, for a time led the way in great weatherly ships; while, later, the English forged ahead, gradually discarding the fore and aft castles, building ships of wider beam and deeper draught, the climax being reached in 1610 in the East Indiaman, *Trade's Increase*, of 1100 tons.[3] The chief disadvantage in the eastern voyages was the high death rate, eight sailors dying out of ten.[4]

Thus, in the years 1590–1610 the Dutch and English passed from the pelagic to the oceanic phase—a change akin to that which replaced privateering by commerce, the mother of empire. As might be expected from their limited land base, small population and oligarchic town government, Dutch efforts were narrowly commercial; and Motley exaggerates when he hails in the Dutch "the first free nation to put a girdle of empire around the earth".[5] Only in Great Britain were found the political and social conditions favouring the further development from what may be called the factory to the family stage; and, the beginnings of her Empire having been firmly laid in successful seamanship and national unity (consummated in 1603 by the union of the English and Scottish Crowns), the growth of the fabric was henceforth both rapid and sustained—a development far other than that of Spain and Portugal, whose portentous bulk soon bore the signs of premature decline.

Nevertheless, the personal and political fads of the early Stuarts

[1] *Fugger News Letters*, pp. 259, 317.
[2] Monson's *Tracts*, IV, 180–2; *Camb. Mod. Hist.* IV, 728–34.
[3] Anderson, *Origins of Commerce*, II, 241; Oppenheim, *op. cit.* pp. 185–7.
[4] *Cal. St. Pap. Venetian*, XVII, no. 603.
[5] Motley, J. L., *The United Netherlands*, chap. lii.

now enfeebled England and therefore the Navy. After the heroic figure of Elizabeth came the timid pedant, James; and after him, the conscientious bigot, Charles, both of them stumbling-blocks in the way of English expansion. At once James offended his subjects by declaring his desire for peace with Spain, and by calling in all privateers. Much, however, could be said for such a course.[1] The war had burnt itself out; English trade suffered more by virtual exclusion from Spanish lands than it gained by privateering. Above all, the new age needed organisation, and organisation implies peace and the desire for peace. Yet, as usual, James spoilt a good case by his garrulity, which led Philip III to raise his terms. In vain did Cecil, Earl of Salisbury, roundly assure the Spanish ambassador that England had proved she had the longer reach, and all the world knew it.[2] James ever compromised the English negotiators. Finally, by the Treaty of London, signed in August 1604, he secured freedom of trade with Spain and the Netherlands, the retention of Flushing and Brill ("the keys of England"), and the abolition of the 30 per cent. duty on English imports into Spain. Letters of marque and reprisals were forbidden on both sides.

The Spanish negotiators, however, succeeded in obfuscating the clause concerning trade with the Indies so that the ambassador in London forthwith denied that right. "'What for no?'"—said the King. "'Because (I replied) the clause is read in that sense.' 'They make a great error who hold this view (said His Majesty), the meaning is quite clear'."[3] Disputes and private hostilities at once began on this question. By way of retort James allowed his subjects to enlist in the Dutch service, and made little difficulty when a Dutch fleet chased Spanish reinforcements into Dover, taking or sinking most of their ships and blockading the survivors (1605).[4] After Heemskerk's brilliant victory over a superior Spanish fleet in Gibraltar Bay (1607) Philip III opened negotiations with the Dutch States; and, as a sop to Spanish pride, the peace of 1609 was termed a truce for twelve years, during which time Philip promised not to hinder Dutch trade wherever carried on. As the Dutch Navy ever waxed from commerce and the Spanish Navy waned for lack of it, the truce spelt ruin for Spain and primacy for the Dutch. During forty years of struggle they had worn down the Spanish power, and now made bold bids for empire in the East and West Indies, in South America and at the mouth of the Hudson River. In truth, the years 1600–1650 may be termed the Dutch half-century.

The commercial system of the Dutch being no less exclusive than that of Spain, friction between England and Holland lay in the nature of things, all the more so because the British Navy now underwent

[1] Article by J. D. Mackie in *Scottish Hist. Rev.* July 1926.
[2] *Cal. St. Pap. Venetian*, 1603–7, no. 142. [3] *Ibid.* nos. 267, 511, and *vide supra*, p. 76.
[4] *Ibid* .nos. 397, 404, 426; Motley, J. L., *op. cit.* chap. xliv.

a rapid decline. The Venetian ambassador, Molin, after leaving England in 1607 reported it as comprising only thirty-seven ships, many of them old and rotten, but capable of being reinforced by nearly 200 well-manned merchantmen. He adds:

> If England remains long at peace and does not make up her mind to keep up a larger navy and to stop the sale of ships and guns, which is already going on, she will soon be reduced to a worse condition. For the King does not keep more than three vessels armed, and that not as they used to be, and private individuals have no need to keep theirs armed, for the Crown is at peace, privateering forbidden, the Indian trade half stopped; and people do not know what to do with their ships, and so take to selling them, and their crews take to other business.[1]

Technically, this was a time of improvement in dockyard construction, due mainly to Phineas Pett, formerly of Emmanuel College, Cambridge, who, profiting by mathematical training and the best examples of foreign shipping, produced in 1610 a ship, the *Prince Royal*, of 1200 tons which was deemed the paragon of warships. His, too, was the design of the first English three-decker, the *Sovereign of the Seas* (1637), which did good service up to 1696 and forms a link with the eighteenth-century three-decker.[2]

But sea power depends on a united national spirit as well as on ships; and the time of the early Stuarts is therefore a time of decline, witness James's failure to put down piracy in home waters and his permission to the Dutch to chase and destroy pirates in Irish harbours. Very characteristic was his extension of the former claim to sovereignty of the Narrow Seas into one of possession together with its corollary, collection of fishery tolls from alien fishermen.[3] This last he utterly failed to enforce on the Dutch. James's toadying to Spain in the matter of Raleigh's execution aroused disgust at home and contempt abroad. In 1616 he surrendered to the Dutch for a sum of money "the cautionary towns" Brill and Flushing.[4]

A leading cause of naval decline was the pluralist proclivities of the now senile Howard, Lord High Admiral, which opened the sluices of corruption at the dockyards and throughout the whole service. At last, in 1618, the scandals in high places, the rottenness of the ships, and the hardships of the seamen ("a ragged regiment of common rogues") led to a royal commission of enquiry, which disclosed a veritable sink of iniquity. Howard, now Earl of Nottingham, though guilty only of negligence, thereupon resigned. The Surveyor and Controller of the Navy were both discharged; and their duties were assigned to a Board of Commissioners.[5] James's favourite, the Marquis of Buckingham, was appointed Lord High Admiral in 1619, and infused some energy into the service.[6] But the old defects of favouritism,

[1] *Cal. St. Pap. Venetian*, 1603–7, no. 739. So too Oppenheim, pp. 186–9.
[2] Corbett, *Successors of Drake*, pp. 418–30; *Autobiography of P. Pett* (N.R.S.), pp. 163–218.
[3] *Vide infra*, p. 200. [4] Edmundson, G., *Anglo-Dutch Rivalry*, chap. ii.
[5] Hannay, D., *Hist. of the Royal Navy*, 1, 157–61.
[6] *Life and Works of Sir H. Mainwaring* (N.R.S.), vol. 1, chap. vii.

corruption in the dockyards and neglect of the seamen continued,[1] the results being seen in the cowardly conduct of Mansell and his crews in the abortive attempt against the pirates of Algiers (1620).

Several pamphleteers lament the decline of English energy and prestige. Thus, Tobias Gentleman bursts out—"O slothful England, look on the plump Hollanders; behold their diligence in fishing and our own carelesse negligence".[2] So too Mun bemoans that we "besot ourselves with pint and pot", while the Dutch have "taken up our wonted valour" and gain incredible wealth from fishing in the English seas. Let us develop our fisheries and our immensely profitable East India trade; for foreign trade is "the nursery of our mariners, the walls of the kingdom and the means of our treasure, the sinews of our wars, the terror of our enemies". Also in his *Discourse of Trade to the East Indies* he states that for that trade alone seven or eight ships yearly are built at Deptford and Blackwall, employing at least 2500 seamen—a great source of power. Monson, though a hater of the Dutch, contrasts their enterprise with our slackness, which leaves us with not ten merchantmen in the Thames fit to help in national defence.[3] England's dependence on shipping, and therefore on the fisheries and on colonial and foreign trade, is already a commonplace. Vaughan states that fishing "multiplieth shipping and mariners, the principal props of this Kingdom";[4] and Sir William Alexander rejoices that some fifty ships sail yearly to the New England fisheries.[5]

The resolve to strengthen the merchant service as a nursery for the Navy explains in part the early restriction of colonial trade to English vessels, and the attempt to tax Dutch fishermen in the English seas. The North American colonies were also valued chiefly as supplying timber and naval stores which would render us independent of the Baltic lands. The pre-eminence of the naval factor appears in King James's Instruction (XII) to the Commission of Enquiry (1622) into the causes of the decline of trade: "Above all other things seriously and carefully consider by what good means our Navy and the shipping of this Kingdom may be best maintained and enlarged, and mariners bred up and increased." The enquiry was to deal with the reservation to Britons of "the herring fishery upon the seas and coasts appertaining to our own realms";[6] the exclusion of foreign imports while our shipping wanted employment; the regulation of the trade in corn and flax with the Eastland countries; and the method whereby the East India trade, "which is specious in show, may really be made profit-

[1] Hollond, J., *His First Discourse of the Navy* (ed. J. R. Tanner, N.R.S.), pp. 4–7, 35–44, 79–81.
[2] Gentleman, T., *England's way to win Wealth* (1614).
[3] Monson's *Tracts*, III, 238, 431.
[4] Vaughan, W., *The Golden Fleece* (1626), p. 14.
[5] Alexander, W., *Encouragement to Colonies* (1624), p. 31.
[6] Anderson, *Origins of Commerce*, II, 295. So too Beer, G. L., *Origins of the British Colonial System*, chaps. iii, viii, ix; *Cal. St. Pap. Dom.* 1649–50, p. 317.

able to the public". The close connection of industries and economics with the welfare of the Navy and the safety of the nation is here expressed in typically practical fashion. Englishmen were feeling their way towards a commercial policy which would assure supremacy at sea.

Thus, even when the Government declined in energy, the nation showed signs of spirit and vigour as appeared in the contests of our East Indiamen with the Portuguese. Further it was in these years that the important settlements at Plymouth (1620), St Christopher (1623), and Barbados (1624–5) took place. The coincidence of these developments with a time of decline of the Navy might be urged as proof that there is no connection between sea power and expansion. Such reasoning would be superficial. For, as will again appear, the influence of sea power is often gradual and indirect, not immediate and obvious. Sixteen years had elapsed since the cumulative efforts of the English Navy had compelled Spain at least to cloak her former monstrous claim of exclusive possession of the New World. In the interval English and Dutch seamen had cancelled that claim in the East and exposed its hollowness in the West. But only by long years of struggle had that result been made possible. It was the Elizabethan seamen who were the prime founders of these Jacobean settlements.

Nor must the services of mathematicians, cartographers and shipwrights be overlooked. In 1594 John Davis published his work *The Seaman's Secrets*, containing practical hints for navigation. Mercator's Atlas, first published in Flanders in 1595, provided a good *résumé* of the work of geographers and explorers. In 1599 Edward Wright, of Gonville and Caius College, Cambridge, advanced the science of navigation by his work *Certain Errors in Navigation detected and corrected*, and in 1600 gave to the world a greatly improved atlas. Napier's logarithms (1614) were applied to navigation by Gunter in 1620; and, as Raleigh had noted, great improvements had latterly been made in shipping, notably in the addition of top-sails, top-gallant sails, studding-sails, and sprit-sails; also the striking of the top-mast, the weighing of anchor by the "capstone", and the lengthening of the cable ("the life of the ship in all extremities") greatly added to the safety of ships.[1]

Compared with this vital development the decline of English prestige in Europe and the East is a passing symptom. Dutch rivals might murder twelve Englishmen in Amboyna and expel the rest (1623); but their resulting monopoly of the spice trade was of slight significance by the side of the settlements in Virginia and New England. English sea power, however weak, could generally shelter these young communities; for, by great good fortune the time of ever growing discord between the Stuart dynasty and the nation,

[1] Raleigh, Sir W., *A Discourse of the Invention of Ships, etc.*, p. 16; but see Oppenheim, p. 127. See too *Cal. St. Pap. Venetian*, XIII, p. 41.

coincided with that crescendo of Europe's agony, the Thirty Years' War, which paralysed her at the time of England's first feeble efforts at colonisation.

The gulf between King and nation widened under Charles I, the results being apparent after he blundered into war, first with Spain, then with France. Speedily the fiascos at Cadiz and La Rochelle revealed the decline both in national energy and in naval organisation. Equally significant were events overseas. In 1629 the Spaniards devastated St Christopher and no reparation was forthcoming at the peace. Nay, Charles himself reversed Captain Kirke's exploit of capturing the French settlements in Acadia and Canada, by finally bartering them away for 400,000 crowns.[1] The most far-reaching outcome of war with France was the resolve of her statesman, Richelieu, to revivify the long decadent French Navy. Accordingly he formed a great dockyard at Toulon, whence, in 1643, twenty-four warships and several galleys put out to coerce Spain. France now began to surpass Spain as the leading Mediterranean Power. In fact the Spaniards, already weakened by the revolt of the Portuguese and the loss of their harbours and eastern treasure, now underwent a rapid decline, which, twelve years later, was to invite the attack of Cromwell on their West Indies.

Thanks to the endless turmoil in Europe, the maritime weakness of England (only partially repaired by the tactless device of ship-money) was cloaked except to the keen eyes of the Dutch. They derided the hollow claim of Charles to the dominion of the Narrow Seas and his demand of fishery tolls in the North Sea. In 1639 they defied him in territorial waters; for Van Tromp chased a large Spanish force into the Downs near Deal, and finally, after receiving reinforcements, nearly annihilated it in the presence of a squadron of twelve sail under Pennington, who did next to nothing to maintain English neutrality. Charles was furious, but mainly, it would seem, because he had bargained with the Spanish ambassador for £150,000 as the price of protecting the Spanish fleet; and, the bargain not being complete when Van Tromp finally attacked, Pennington had no orders to protect the Spaniards by force[2]—a striking instance of Stuart methods, which disgraced England and enfeebled her fighting services. Accordingly, it is not surprising that the fleet went over to the Parliament, thus aiding greatly in the defeat of the King's cause in the Civil War.[3]

The work of the Navy in assuring the downfall of Charles is better known than its later activities in restoring national and imperial unity after his execution. Yet they were vital, for after that event the

[1] *Vide infra*, p. 155.

[2] *Clarendon State Papers*, II, 71; Edmundson, pp. 121–9; Penn, C. D., *Navy under the early Stuarts*, p. 258; Mainwaring, I, 275–85.

[3] See Captain A. C. Dewar's article in *Mariner's Mirror*, Oct. 1926.

English Republic was banned by all States; and a European coalition against England seemed not improbable. She was also opposed by the Scots and Irish, defied by many of the colonies, and hard pressed by an informal maritime war with France. Yet she met all perils with undaunted front. On the "Generals at Sea", Blake, Deane and Popham, who in February 1649 took over the duties of the Lord High Admiral, now fell the heavy burden of preventing invasion, supporting Cromwell's communications and flank during the Drogheda and Dunbar campaigns, and finally driving from the seas the revolted ships with which Prince Rupert preyed on English commerce. Never were heavy burdens more manfully and successfully shouldered. Blake and his colleagues were assisted by the Admiralty Committee of the Council of State.[1] These officials, along with Commissioners appointed in 1652, exacted good work from the dockyards,[2] and promoted seamen of proved skill and hardihood. The results were phenomenal. In three years forty-one new men-of-war were added to the Navy, and good pay and a stern sense of duty made the crews the Ironsides of the sea. The annihilation of the enemy was also inculcated in the new and stringent Articles of War (December 1652), which sternly enforced discipline and helped to restore to the Navy the trenchant power lacking in it since the death of Drake.

Blake was his reincarnation. Taking up his first naval command at the age of fifty, he infused so high a spirit into his squadron blockading Prince Rupert's force in Kinsale Harbour that the prince could do nothing to harry Cromwell during his Irish campaign. Thereafter Blake watched Rupert in the Tagus, and later followed him into the Mediterranean, chasing his ships into Cartagena and sinking or firing all but three. This, the first great success of an English fleet in that sea, made an immense impression, which was clinched by the maintenance, for the first time, of an English Mediterranean squadron.[3] But this was not all. Rupert, escaping from Cartagena, sought, finally with only two ships, to aid the Royalists in the West Indies. But he was too late; for the Admiralty had despatched thither a light squadron under Admiral Sir George Ayscue, who overcame the resistance of Lord Willoughby and the tough Royalists of Barbados. Thereupon the Leeward Isles, as also the settlements in Virginia, acknowledged the Commonwealth, which now maintained a West India squadron.[4]

The drastic action at sea, after five decades of Stuart slackness, illustrated the vital connection between national unity and colonial security. So long as England, Scotland and Ireland were at feud, the defence of the colonies was impossible. National unity being restored, the new spirit and discipline of the Navy swept Rupert from

[1] *Cal. St. Pap. Venetian*, XXVIII, nos. 383, 457, 498, 506, 587, 667.
[2] Hollond, *op. cit.* Introduction, pp. lvi–lix.
[3] *Cal. St. Pap. Venetian*, XXVIII, nos. 671, 700.
[4] Oppenheim, pp. 302–4.

the seas, re-established commerce and thereafter crushed or cowed the recalcitrant elements in the New World. Such was the essential sequence, destined to recur after the accession of William III.

The tame acquiescence of the Stuarts in the Amboyna massacre deferred to the time of Cromwell the day of reckoning with Dutch arrogance overseas. Other considerations, notably the long chase of Rupert, the informal maritime war with France, and the acute friction with the royalist colonies, emphasised the need of strengthening England's sea power; and, as is shown in Chapter VI, the Navigation Acts of 1650 and 1651 were designed as a stimulus to English shipping and a blow to the Dutch carrying trade. These Acts summed up the experience of the last seventy years, that, while a professional Navy was essential to the safety of England, yet, in spite of the differentiation of warships and merchantmen, the latter formed the chief nursery of seamen. In this respect and this only the Dutch had an advantage over us; and the Commonwealth sought by these Acts to equalise matters. The final cause of the first Dutch War was the Commonwealth's stiff claim to the sovereignty of the Narrow Seas, and the consequent right of search. On this question neither side would give way, especially after a collision between the two fleets off Dover.

On both sides moderate and devout men and all the merchant class disliked the war. Yet memories of Amboyna and other annoyances, together with the ever-mounting tale of reprisals and the equality of the combatants in skill, bravery, and naval resources, imparted to this war, and all the Dutch Wars, an unparalleled fierceness and obstinacy. Van Tromp and de Ruyter were worthy rivals of Blake, Monck and Ayscue. Numbers also were in favour of the Dutch, who in July 1652 mustered 102 warships with many in reserve. Yet from near the start they were often reduced to the defensive by the need of protecting their fishing fleets and their convoys passing along the Channel or round the north of Scotland. Indeed, the chief strategic interest of these campaigns is the enormous advantage conferred by England's dominant position and her comparative independence, at that time, of sea-borne trade. In *matériel* she benefited by possessing deep-keeled, better armed and more heavily timbered warships, able both to inflict and to endure longer punishment than the usually lighter and shallower built Dutchmen, and also to overpower the large armed merchantmen on which the enemy partly relied.[1] Further, the Dutch fleets, being controlled by five Boards of Admiralty of the five marine provinces, lacked the homogeneity which marked the Commonwealth's Navy. Tactically considered, the war is remarkable for the tendencies towards the adoption (especially on the English side) of the line ahead formation for battle, which may perhaps have clinched Monck's final success off Camperdown (30 July 1653). Already, after the defeat of 2 June, de Witt had warned the States-

[1] *Cal. St. Pap. Venetian*, XXVIII, nos. 624, 631, 633.

General that "the English are masters both of us and of the seas". Still more decisive was the economic pressure on the enemy, who had lost some 1500 merchantmen, and now kept his trading craft shut up in port—a policy followed still more systematically in the second and third Dutch Wars.

Meanwhile Cromwell, now Lord Protector, sought to end the strife between the two Protestant Powers. Peace was accordingly signed on 5 April 1654, the Dutch agreeing to lower the flag in the Narrow Seas, pay a sum for the right to fish on the English coasts, award compensation for the Amboyna outrage, and limit the number of their warships. The question of search was left unsettled.[1] That both neutral Powers and rivals regarded England as victor appeared in their eagerness to frame alliances with her—Sweden, Denmark and Portugal granting valuable trading concessions. These treaties, though less thorough than Cromwell desired, had far-reaching effects. Those with Sweden and Denmark opened the Baltic trade to English ships on terms which assured the passage of corn and naval stores. By the treaty with Portugal we gained access to her possessions in the East Indies, thereby furthering exploration and commerce in that quarter, and inaugurating close relations with our oldest and "most faithful" ally. Cromwell rarely if ever thought logically; but a logical sequel to the opening of the East Indies was the opening of the West Indies. Here Spain barred the way. It was therefore only natural that he should resolve to exact reparation for the wrongs she had committed at St Christopher; and in August 1654 he resolved to send an expedition to add weight to demands which would otherwise be scorned. By degrees he passed to open hostility, and therefore to an understanding with her enemy, France. The results (described later) were such as to impair the Spanish monopoly in the centre of the New World and plant the flag of St George in Jamaica.

In his outlook on foreign affairs Cromwell is the last of the great Elizabethans. After the dull backwater of the early Stuarts England again pressed on with a favouring stream; for in Blake her seamen found a leader able to humble the Bey of Tunis and sink or burn sixteen Spanish ships under the protection of the batteries of Santa Cruz. The contrast with the humiliations of Algiers in 1620 and La Rochelle in 1626 reveals the supreme importance of national spirit and of great personalities. Apart from the influence of Elizabeth, Cromwell, and their admirals and statesmen, the sea might have been an easy avenue for would-be invaders of these islands. Thanks to those leaders it provided countless avenues for adventure and settlement overseas; and at Cromwell's death it was scarcely doubtful that France alone could seriously contest with the victorious islanders the empire of the sea and of the New World.

[1] Ballhausen, R. C., *Der erste Englische-Holländische Seekrieg*, p. 688.

CHAPTER V

THE GREAT EMIGRATION, 1618–1648

WHILE Europe was involved in the struggles of the Thirty Years' War English colonial expansion was proceeding at an unprecedented rate. This coincidence was not accidental, for though England was not directly involved, the war had a powerful influence upon her foreign policy and produced important results in the colonial field. Moreover its economic effects promoted the flow of settlers across the Atlantic in such numbers that the period has been appropriately called "The Great Emigration". The time was crowded with colonial developments, and the English possessions beyond the seas, which in 1618 consisted of only two weak and unprosperous settlements, had grown thirty years later to more than a dozen thriving communities. To deal with the many diverse movements that were taking place almost simultaneously, we must survey different aspects of the period in turn, tracing first the results of the change in English foreign policy which was the predominant factor between 1618 and 1629, and considering later the settlement of New England, wherein the effect of European events was only indirect and English domestic troubles exercised the chief influence.

During the reign of James I the comparative paucity of emigration proved that the plea of the early advocates for colonisation as a means of relieving England's over-population had little validity; but under Charles I circumstances changed for the worse, and a stream of emigration began from these shores that was without parallel. It has been customary to attribute the movement almost wholly to the influence of religious motives and to speak of the migration as Puritan, but this is to neglect other factors that were at work. The causes urging men to cross the sea in this period were at least as much economic and political, but they were individual in their action and there was no organised means of giving them effect or calling attention to them. On the other hand, the distinctively Puritan emigrants were well organised and led by men who gloried in placing their religious motives on record, and though economic and political causes were acting on their followers as on many thousands of others, they were unavowed and perhaps not even realised.

The years between 1618 and the outbreak of the Civil War were very hard for the mass of Englishmen and especially so for the wage-earners and the lesser gentry. The agrarian changes and the alteration in the value of money bore with particular hardship on those who lived by the land, and the long and devastating war in Central

Europe deprived England of markets for the sale of her cloth, upon the manufacture of which so large a proportion both of her town and country population depended. In every direction men felt prevented from helping themselves by irritating restrictive regulations and privileges that survived from an earlier time and were too strait a jacket for a growing nation. The older sources of revenue were insufficient to support the expenses of the Crown and Government, partly because of inefficient collection but mainly owing to the fall in the value of money. The representatives of the nation in Parliament were not yet prepared to supply the ordinary needs of Government by regular taxation, and the King and his ministers were therefore compelled to supply the need by a drastic exaction of the traditional royal dues. The device usually adopted for their collection was to place them in farm at a competitive rent. Syndicates were formed among the richer London merchants who had command of fluid resources of capital to take up the farms, and it was their interest to manage the collection efficiently. The Government benefited because the rents demanded and offered at the periodical tenderings were calculated upon the average produce of the farms during the preceding term. The subjects, who were hard pressed in the economic struggle, found intolerable grievances in the extortionate demands of the speculative syndicates who had had to bid high for their grants and were determined to make profits. Men naturally associated these financial grievances with other causes of complaint against the Government, and economic difficulties thus merged with political struggles against established authority. The contest between the rights of the subject on the one hand and privilege and prerogative on the other had a profoundly disturbing psychological effect. Men's minds were prepared for adventures that in quieter times they would never have contemplated, and the one perennial motive for emigration, the desire to make a better living, found an unusually favourable field in which to work.

Along with this economic and political unrest there was widespread dissatisfaction with the government of the Church, and this, especially in London and the eastern and southern counties, was of compelling force. The bulk of the laity and lesser clergy had come to accept the Elizabethan settlement of religion as a matter of course. Within its definite prescriptions in matters of Church government and ceremonial they found much doctrinal liberty, and, down to the later years of James I, the system worked with comparative smoothness. But just at the period when economic distress became most acute and governmental insistence on traditional prerogatives most irritating, the supreme influence in the Church passed to a group of the higher clergy who were not prepared to accept as sufficient a mere outward show of conformity but were determined to curb departures from their standard whether in doctrine or in practice. So in Church

matters as in civil there was an irritating and narrow control and an exaction of compliance with rigid regulations that did much to add to the prevailing unrest, to diminish respect for established authority and to loosen traditional ties.

In the settlement of Virginia and the Bermudas, which was accomplished without Spanish interference, we see no direct influence of foreign policy on colonial development. In fact until 1618 the more actively Protestant party in the Privy Council had little opportunity to influence foreign affairs, but James was inconstant and touchy, and from time to time when he was offended with Spain, they were encouraged to move. Anti-Spanish feeling was much stronger in the country than at court or among the leading merchants, and there came about an association between those who favoured a return to the aggressive policy of Elizabeth's reign and the lesser merchants and interlopers who were attacking the privileges and monopolies of the great chartered companies. Foreign policy lay outside the province of Parliament, but the general dislike of the King's partiality for Spain found its outlet in debates on trade wherein the affairs of the colonies were frequently concerned. The voicing of colonial grievances thus often fell to the spokesmen of those who were opposed to the policy of the court in other matters, and they have sometimes been unduly credited with an exclusive interest in colonial expansion.

When Spain's intervention in Germany was making it increasingly difficult for James to maintain his old policy of an Anglo-Spanish alliance, the opportunity of the anti-Spanish party arrived, and they began to further openly designs such as they had previously concealed. The first moves were in Guiana, and since the foundation of English colonies in the Caribbean arose from those efforts it is to them that we must turn our attention. It was the temporary ascendancy of the anti-Spanish party after the fall of the Howards that set Raleigh free to organise his last expedition, and his backers included two of its most powerful members, the Earl of Southampton and Sir Robert Rich, afterwards Earl of Warwick, who between them typify the transition between two eras. Southampton was the most prominent surviving member of the war party of Elizabeth's days, while Rich lived to advise Cromwell on the preparation of his "Western Design". The former had often been in disfavour for his persistent enmity to Spain and was frequently associated with privateering enterprises under foreign flags. Rich's father, the second Lord Rich, had long been suspected of using his great wealth in semi-piratical ventures, and the public career of the foremost patron of colonisation for thirty years began with a privateering expedition that he set forth under the flag of the Duke of Savoy.[1] A sign of the King's momentary change of policy in 1618 was the elevation of Lord Rich to the Earldom of Warwick, to which Sir Robert succeeded a year later. Thenceforward his

[1] *Cal. St. Pap. Venetian*, 1615–17, no. 631.

name was associated with almost every colonial scheme of importance until the Interregnum. He had been one of the founders of the Bermuda Company, and some of his clients went out to Virginia under the *régime* of Sir Thomas Smythe. About 1617 he began to take an active part in the affairs of the Virginia Company, and in 1618 he gave his patronage to Sir William St John in the promotion of a new Company for African trade. This "Company of Adventurers trading to Gynney and Bynney" built the first English fort on the River Gambia and made attempts to follow the new enterprises of the Dutch and begin a trade in negro slaves.[1] The first negroes sold in Virginia came in one of Warwick's ships, but the venture proved unprofitable, and St John's Company turned instead to privateering.

Among the officers of Raleigh's last disastrous expedition was Roger North, brother of Lord North, a member of the anti-Spanish faction at court, who was so much impressed with the opportunities of profitable colonisation in South America that he warmly pushed it among his friends after his return. He succeeded in enlisting Warwick's support, and with his influence, in April, 1619 he obtained the consent of the Privy Council to the incorporation of a company styled "The Governor and Company of Noblemen and Gentlemen of the City of London Adventurers in and about the River of the Amazons", with title to explore and colonise a territory between the mouth of the Wiapoco and the delta of the Amazon, stretching right across the continent from sea to sea after the fashion of the Virginia patent of 1609. This grant was not, like that of Harcourt of 1613, confined to the "Wild Coast" which had never been in Spanish occupation, but boldly laid claim to a slice of territory extending to the South Sea, although it was known to contain many Spanish posts. The Spaniards at once demanded the cancellation of the patent as a wilful challenge to their rights, and the state of public feeling was such that the question was regarded as a tussle between the anti-Spanish party and the powerful ambassador, the Count of Gondomar, for influence with the King. It excited attention far beyond the circle of those who were usually interested in colonial enterprises. In the meantime North slipped away with the connivance of certain officials and settled a post of a hundred men in the Amazon delta to begin planting tobacco and to trade with the Indians. Without risk of a complete breach it was impossible to maintain the Guiana patent in face of the evidence of effective Spanish occupation that Gondomar laid before the Council, and a royal proclamation was therefore issued denouncing North's attempt against a friendly Power. Warwick was ordered to bring up the patent for cancellation, and in May 1620 he had to make his humble submission.

Meanwhile Warwick had become actively interested in Virginia as a possible base for attacks against the Spanish Indies if the breach

[1] *Vide infra*, p. 438.

for which he and Southampton hoped could be brought about. Such designs, dating as far back as the French colony in Florida in 1563, had never been forgotten by some members of the Company, and though to advertise them was impolitic, in 1614 Richard Martin, the counsel for the Company, incautiously referred to "such matters of high moment" before the House of Commons and spoke of Virginia as "a bridle for the Neapolitan courser if our youth of England are able to sit him, for which they will give him golden spurs".[1] Probably his censure by the House was attributed as much to this reference to foreign relations as to the general tone of his speech which was the nominal cause of complaint. Southampton and other Opposition peers were present when the speech was made, and Martin's apologists were those members of the Commons, like Sir Edwin Sandys, who were notorious for their anti-Spanish feelings. Sir Thomas Smythe, treasurer of the Virginia Company and governor of the Somers Islands Company, was on the other hand prominently interested in the regulated Company for Spanish trade and averse from any policy that would endanger its commerce. He was also leader of the merchants who had control in the great exclusive companies, so that he was regarded by the interloping merchants as their chief opponent. In 1618 Rich and Southampton lent their aid to the faction in the Virginia Company that was antagonistic to Smythe, and they compelled him to decline re-election to the treasurership. He was succeeded by Sandys, who had been the spokesman in the House of Commons of the "free traders", and whose election marked the beginning of an acute schism in the Company that became a public scandal. It also affected the Somers Islands Company, for the rival factions were represented in its Courts. They were opposed on a variety of grounds, and the dispute bristled with personal accusations on both sides. The great nobles and the politicians who were concerned made use of the opportunity to consolidate a party of opposition to the King's Spanish policy and thus made colonial affairs an issue in national politics. The disputes lasted for more than six years and will demand our attention later.

The momentous changes that were taking place in the international situation aided the designs of Warwick and the war party. The twelve years' truce between Spain and the United Provinces came to an end in 1621, and the war reopened with increased bitterness. There was at first little hope of winning decisive victories on the land front, but sea war and attacks upon the Spanish colonies had proved so profitable that the Dutch resumed them with zest. They at once took up the threat that had extorted peace from Spain in 1609, and concentrated their efforts against the American colonies in the hands of a single great West India Company organised to follow the same methods as their East India Company was employing against the

[1] *Commons' Journals*, I, 487.

Portuguese. Efforts were made to secure the assistance of other Powers by the promise of high profits, but neither England nor France could be persuaded to take action. The States did not relinquish their plan and awaited a more propitious moment that was not long delayed.

In October 1623 Prince Charles and Buckingham returned from their Madrid adventure determined on war with Spain and they soon forced the King to abandon his old policy. Buckingham placed himself at the head of the war party, and the country welcomed the change with enthusiasm. When Parliament was summoned in February 1624 to hear a formal account of the breaking-off of the Spanish marriage treaties, it at once appeared that the policy of Elizabeth's time had not been forgotten. During the years of peace the supporters of colonising schemes at the expense of Spain had been frowned upon and checked, but now their advocates like Warwick were in the ascendant, and at Buckingham's instigation theirs was the policy commended to the Commons by Sir Benjamin Rudyerd, the spokesman for the Government. Plans for the recovery of the Palatinate by war in Germany were put in the background, and it was determined to use land forces only on a limited scale for the assistance of the Dutch in Flanders and Brabant. According to Elizabethan precedent the war was to be one of limited liability, and effort was to be directed to the stimulation of privateering attacks upon Spanish commerce and against the islands and towns of the Indies.[1] The King should be petitioned, said Rudyerd, "whensoever he intends to make war for the Palatinate, to make it by way of diversion to save charges, whither every younger brother that had but £20 in his purse may go stocked for a profession and course of life; and where the Low Countries, no doubt, will be willing and ready to assist us for their own interest".[2] The Commons were already convinced that this was the right policy to pursue, and it was in the assurance of its adoption by the Government that they voted subsidies with unwonted readiness.

The Dutch saw their opportunity and tried once more to get English assistance for their West India Company, but they could secure nothing more than an agreement for a defensive alliance. In these negotiations the idea of permanent annexations in the West Indies in place of mere raids was brought for the first time within the range of practical politics, for the Dutch offered the inducement to England that all conquests that were made jointly should be left in English occupation. Early in the session of 1624 the Commons considered a project for the formation of a West India Association regulated and established by Act of Parliament, and thenceforward for twenty years it was repeatedly advanced as the best means of bringing about the downfall of Spanish power and adding to English wealth.

[1] See Gardiner, S. R., *Hist. of England*, v, 190.
[2] St. Pap. Dom., Jas. I, CLX, no. 8.

Rudyerd spoke strongly in its favour and claimed that it was the best way "to cut the King of Spain at the root and seek to impeach or supplant him in the West Indies.... This will be a means not only to save but to fill his Majesty's coffers,...for the sea-war will chiefly be made at the charge of the subject".[1] The idea of a joint association had few attractions, however, for the dissensions between the rival Dutch and English East India Companies were notorious; the Dutch seemed to get the better of every bargain, and the news of their evil usage of their English competitors in the "massacre" of Amboyna in February 1623 had lately arrived in England, where it was long to be remembered. However, in September 1625 an offensive and defensive alliance was concluded "for the purpose of attacking the King of Spain in open war in all his realms...in all places, on this side and beyond the line, by land and sea". Trade with the Spanish dominions was forbidden, and detailed provisions were laid down concerning contraband and the taking of prizes.[2] French, English and Dutch privateers were once more let loose against the commerce and oversea possessions of Spain and her Portuguese dependency, with small effects on European politics, it is true, but with lasting results in the West Indies. The opportunities for profitable war on the Elizabethan scale were over, for the Spaniards had learned how to defend their occupied territories on the mainland and in the larger islands against any attacks not on a large scale. Even the Dutch with their powerful organised Company could get no permanent footing in Brazil where they made their greatest efforts, and the English Government had its hands too full elsewhere to undertake any operations in the Caribbean. The war therefore dwindled into an affair of sporadic privateering, and the "gentlemen of fortune" of Drake's day were succeeded by rough "buccaneers"[3] who led a precarious, roving life and were a terror to honest mariners of all nations alike.

Though privateering was no longer profitable, a new era of tropical exploitation began with the Guiana attempts. North and the other founders of the Amazons Company in 1619 emphasised the planting of crops as their main purpose, and not the search for gold mines or the conquest of rich kingdoms. Practical men who knew the Indies realised that, if they were to make profits, they must raise marketable products by their own exertions. Since Indian labour in any of the unoccupied regions was unreliable and difficult to obtain, the planting must be carried on by imported labourers. The most easily raised crop was tobacco, as the Virginians had found; the planters on the Amazon and in Guiana, both Dutch and English, had worked hard at it for

[1] *A Speech concerning a West India Association by Sir B. Rudyerd* (Lond. 1641). Extracts in Stock, L. F., *Proc. and Debs. in Parliament*, I, 61–2.

[2] Davenport, pp. 290–9.

[3] *I.e.* those who prepared *boucan*, the dried meat of wild cattle.

some ten or twelve years before the war, and with the change of circumstances they sought fresh opportunities. The suppression of the Amazons Company in 1620 did not bring the enterprise of its obscurer promoters to an end; they continued their efforts clandestinely and concealed them, so far as they could, both from the English officials and from the spies of the Spanish ambassador.[1] The number of English, Irish and Dutch Plantations in the delta had become so large in 1623 that the Spanish Government gave urgent orders for their suppression. None of the settlements was strong enough to offer much resistance, and the planters were either scattered or killed or carried off to Pará as prisoners.[2] The survivors determined to try elsewhere, more out of the way of their enemy's arms, and among them was Thomas Warner, the first pioneer of English colonisation in the West Indian islands. Before we consider his work, we must refer briefly to Roger North's later attempts in Guiana.

The plans to seize Spanish territory that had been prohibited under James I appeared under his son as commendable efforts against the enemy. Robert Harcourt and Roger North joined forces for a new venture, and in 1627 they were granted a new patent of incorporation for a "Company for the Plantation of Guiana" under the governorship of the Duke of Buckingham himself. But the merchants for the most part stood aside, and from the beginning the Company suffered from a lack of funds. The planters in the delta had to face repeated attacks from the Portuguese, while the colonists on the Wiapoco fell victims to the unhealthy climate. After 1631 English activities in Guiana came to an end, though the Company apparently still lingered on in 1638.[3]

These unsuccessful Guiana adventures are worthy of remembrance mainly because they led to the beginnings of the first English colonies in the Caribbees. Thomas Warner, a Suffolk man, had gone out to Guiana with North's colonists in 1620 to begin planting, but found the conditions so disturbed and precarious that he stayed only for two seasons. On his way back to England he explored the possibilities of some of the islands of the Lesser Antilles and fixed upon the island of St Christopher among the Leeward Islands as best suited for his purpose. It had never been occupied by the Spaniards and was not easily approachable from the centres of their power in the Caribbean owing to the steady trade wind from the north-east. Warner managed to obtain financial backing from certain London merchants of the lesser sort, and returned to St Christopher to settle in 1623. The island proved well suited for the raising of tobacco, and natural foodstuffs were so abundant that the settlers were not much troubled with the initial difficulties of the first settlers in Virginia. Shortly after

[1] *Cal. St. Pap. Venetian*, 1622–3, p. 425.
[2] See Williamson, J. A., *The English in Guiana*, pp. 99–106.
[3] *Ibid.* chaps. v and vi.

Warner's expulsion of the natives a party of French privateers under D'Esnambuc arrived, and the parties joined forces for safety against an expected Carib raid. After some difficulties the island was parcelled out between the English and the French, and their respective leaders returned home for further support.[1]

Meanwhile another pioneer, Sir William Courteen, was taking action in the West Indian field. As a partner in the great Anglo-Dutch trading firm of Courteen Brothers of Middelburg and London he had taken a share in Dutch mercantile and planting ventures in South America. Immediately after the accession of Charles I he made application for a grant of all the undiscovered "lands in the south parts of the world called *Terra australis incognita* extending eastwards and westwards from the Straits of Le Maire", the passage to the south of Tierra del Fuego discovered by the Dutch a few years before.[2] But Courteen did not proceed with this application, for he found a more promising field of operations. One of his captains, John Powell, returning from a trading voyage to Brazil in 1624 had touched at a beautiful island lying to the east of the general chain of the Windward Islands which he found unoccupied and very suitable for planting. Barbados, as we now call it, was comparatively little known and was sometimes confused by geographers with the islands of the Windward Group or with legendary islands of the Atlantic that had no real existence.[3] Powell landed and took formal possession of the island in the name of "James, King of England and this Island". On his way home he called at St Christopher, and there his sailors incautiously spoke of their find to Warner's colonists. The sequel was a dispute that caused trouble for many years. Courteen at once took up the idea of planting Barbados in earnest, and provided the funds by a small syndicate. Before the close of 1628 some sixteen hundred colonists had been sent out and about £10,000 had been expended. Houses and a fort were built and planting began in such systematic fashion that large cargoes of tobacco were sent home.

Others were at work in a different way. Warner returned to England from St Christopher in the late summer of 1625 in order to obtain official recognition of what he had done in an island that the Spaniards certainly considered as belonging to them. When he first settled there he held no commission, and he and his colonists were legally pirates. He wanted to safeguard himself, but he probably had also some notion of forestalling Courteen in Barbados. He and his merchant backers therefore tried to get the patronage at court that was necessary if anything was to be done, and they obtained it from the King's favourite courtier, James Hay, Earl of Carlisle. In September 1625 a commission was granted to Warner taking his Plantation under

[1] See Williamson, J. A., *The Caribbee Islands under the Proprietary Patents.*
[2] St. Pap. Dom., Chas. I, XIV, no. 33.
[3] Newton, A. P., *The Colonising Activities of the English Puritans*, pp. 132–4.

the royal protection and naming him governor for the King in the four islands of St Christopher, Nevis, "Barbados" and Montserrat. No proprietary rights were granted, but the position of the colonists was properly established upon a legal basis. There was later much dispute as to whether the terms of this original grant referred to the island of Barbuda near St Christopher in the Leeward Islands or to the real Barbados, but when Courteen's settlers had shown the worth of the latter island, there was no hesitation on Carlisle's part in backing Warner's contention that they were trespassers without rights.

The Lord Proprietor took little personal part in the schemes that were carried on in his name, but looked upon them merely as an additional means of finding money. The real movers were the London financiers who were familiar with the method of working under the shadow of some person with court influence, for it was constantly employed in dealing with profitable royal grants. The proprietary system of colonisation in the West Indies in fact derived its motive-power from the merchant class that was so potent in the foundation of Virginia and Bermuda. Carlisle was the patron of two syndicates, the one operating in St Christopher and the Leeward Islands and the other in Barbados.

Acting on Warner's information, the Carlisle syndicates obtained from the Crown in July 1627 a grant of letters patent making the earl proprietor of all the islands commonly called "Caribees Islands" lying between 10 degrees and 20 degrees north latitude.[1] The principal of them, beginning with St Christopher, were enumerated in rough order from Grenada northwards to Sombrero, and they included both "Barbidas" and "Barbado". Courteen was also taking steps to procure a court patron for his enterprise, and in February 1628 on the consideration that he had expended money in transporting men to the islands, there was issued to Philip, Earl of Montgomery, afterwards Earl of Pembroke, a grant of Trinidad, Tobago, Barbados and "Fonseca *alias* St Bernard" lying between 8 and 13 degrees of north latitude to be called "Provincia Montgomeria".[2] The two grants overlapped and Barbados was granted in both, but as soon as Carlisle and his backers learned of the issue of the Montgomery patent, they hastened to press the King for its cancellation as far as Barbados was concerned. Their efforts succeeded, and on 7 April 1628 a fresh patent[3] was issued to the earl reciting his previous grant and bestowing the Caribbee Islands on him in such a detailed way as to preclude all doubt. Barbados was mentioned with four aliases and Barbuda with three, so that the claims of Courteen and Montgomery were unmistakably set aside, and Carlisle was fully recognised as Lord Proprietor. As the steps he took to establish his

[1] Pat. Roll, 3 Car. I, p. 31, no. 15.
[2] Pat. Roll, 3 Car. I, p. 30, no. 1.
[3] Pat. Roll, 4 Car. I, p. 6, no. 4.

control belong to the second part of our period, they will be considered later.

In 1629 a Spanish fleet cleared out the colonists from Nevis and St Christopher, but they returned as soon as it sailed. The war lingered on indecisively from 1626 to 1629, but Spain was exhausted and had long been anxious to make peace. Negotiations were attempted as early as 1627 without success owing to Charles's unacceptable demands; by 1629 he was ready to agree to any terms he could get, even though they involved a disgraceful alliance against the Dutch with whom we had been associated for seventy years. The public treaty was concluded at Madrid on 5/15 November 1630,[1] and the secret anti-Dutch alliance on 12 January 1631,[2] but the negotiations had been so involved and so mixed with verbal assurances and reservations on both sides, that the words of the agreed articles really meant very little. The provisions of the Treaty of Madrid did little more than revive those of the Treaty of London of 1604, the Spaniards merely restoring the freedom of English commerce with their dominions as stipulated in that treaty.[3] But the Spanish commissioners avowed that they did not intend to question the English navigation to the East Indies, and promised that if Charles would agree not to trade in certain specified harbours possessed by the Portuguese, they would "capitulate a free navigation not only into those seas but to the coast of America also, particularly allowing the plantations of Virginia and others".[4] Their design was to induce the English to act against the Dutch colony of New Netherland, but Charles was too weak for that or any other warlike enterprise. The English negotiators abandoned their old contention that there was "no peace beyond the line", and for the first time they agreed to an article extending the peace to the regions beyond the "lines of amity" after an interval of nine months to permit of the proclamation of the treaty.[5] In 1629–30 the long struggle for oceanic power seemed in fact to have petered out. England and Spain, once the principal combatants, were too completely exhausted to fight any longer. Only France and the Dutch were the gainers, for the one was rapidly acceding to Spain's former position of pre-eminence among the Powers, while the other had won the carrying trade of the world and a seemingly unchallengeable mastery of colonial markets.

English colonial enterprise in North America was not, as in the West Indies, directly affected by the war with Spain, but it was profoundly influenced by the increasingly bitter disputes and struggles of the last years of James I. We saw in an earlier chapter that Guy's Newfoundland Company met with devastating opposition from the fishermen and that in 1618 petitions were presented to the Privy

[1] Davenport, pp. 308–14.
[2] *Clarendon State Papers*, I, 49, 50.
[3] See Art. 7 reviving Art. 9 of the Treaty of London, and *Cal. St. Pap. Venetian*, XXII, 448.
[4] Cottington to the King, 17 Nov. 1630, quoted in Davenport, p. 307.
[5] Art. 2.

Council complaining of it as a grievance. Sir Francis Bacon, who had long been particularly interested in the fisheries, was now the leading member in the Government. Captain John Smith's book in praise of New England and its fisheries[1] disposed him to consider favourably suggestions for the consolidation of an English monopoly in those regions such as Guy and his associates had failed to secure in the international fishing grounds off Newfoundland. The initiative was taken by Sir Ferdinando Gorges who proposed to revive the moribund North Virginia Company. Smith had been trying hard for some time to get subscriptions for a colonising company for New England, but he complained that "one might as well try to hew rocks with oyster shells" as to induce merchants to furnish funds for such an undertaking. The Virginia Company had never paid a dividend, the Newfoundland Company had lost all its capital, and Gorges pointed out with truth that "men could not be drawn to adventure in actions of that kind where they were assured of loss and small hopes of gain".[2] English colonisation was still in the early experimental stage, and it was quite uncertain what form of organisation would best accomplish the desired purpose. As the reorganisation of the London Company in 1609 on the lines of a trading company seemed to some extent to have been responsible for its troubles, the Privy Council decided instead to revive something like the organisation of the 1606 charter.

In November 1620 a patent was issued granting the territory in North America between 40 and 48 degrees north to a body designed to promote colonising efforts. The Lord High Admiral, Buckingham, was appointed President of "The Council established at Plymouth in the County of Devon for the Planting, Ruling, Ordering and Governing of New England in America", which was composed of forty persons of honour or gentlemen of blood and a few merchants, all nominated by the Crown.[3] Exclusive monopoly of trade and fishery was granted in their territory and the seas adjoining, together with the right to collect fees for licences and to expel intruders. Both Southampton and Warwick were among "the patentees and counsellors for the managing of the business by whose favours the royal charter was granted", but the moving spirit was Gorges, who at once set to work to compel the western fishing merchants to take up licences for their voyages to the profitable new fishing grounds and with the funds so derived to send out colonists to the mainland.

The issue of the patent at once aroused an outcry from the fishermen as an infringement of the rights of free fishing that had been guaranteed to them ever since the reign of Edward VI.[4] Sir Edwin Sandys, the new treasurer of the Virginia Company, voiced the

[1] Smith, John, *Description of New England* (1616); *New England's Trials* (1620).
[2] Gorges, F., *Brief Narration* (Collns. of Maine Hist. Soc.), II, 35.
[3] Printed in Hazard, *Hist. Collections*, I, 103.
[4] By Act of Parl., 2 Ed. VI, c. 6.

opposition in Parliament on the ground that the exclusive grant was harmful to the interests of the colony that was already established. In April 1621 he introduced a bill for the free liberty of fishing voyages to the sea-coasts of Newfoundland, Virginia and other coasts of America, and opened a debate of great interest.[1] In its course not only was the "great patent" for New England attacked, but also the pretensions of Whitbourne and Mason to make their colonies in Newfoundland centres from which to preserve order among the fishermen of all nations by virtue of their commissions of vice-admiralty. John Guy, now member for Bristol, strongly opposed the bill as preventing any possibility of colonisation either in New England or Newfoundland. But the sense of the House was as much opposed to him as it was to Secretary Calvert, the spokesman for the Government. He raised an important constitutional point, for he maintained that as the bill concerned America, it was beyond the competence of the House.[2] When the members continued the discussion in spite of his protest, the Secretary strongly supported a proviso brought forward by Guy to safeguard the rights of planters. Matters stood over during the prorogation, but the agitation did not subside. Gorges went on with his demands for fees from the fishermen, and in June 1621 the first land grant for a plantation in New England was made to the representative of the *Mayflower* Pilgrims who had gone out in the previous year, and whose story we consider later. When the session was resumed, the Commons summoned Gorges to appear before them and bring up the obnoxious patent. He refused to produce the document as a matter beyond his power, but he gave evidence that the council's main purpose was the furtherance of plantation and that they were open to compromise regarding the fisheries. Calvert pointedly warned the House that, unless the interests of the planters were properly safeguarded, the bill would not receive the royal assent, but the fishing interest was too strong, and Guy's proviso was decisively rejected. This speech of the Secretary of State is suggestive as indicating a direct interest of the Privy Council in balancing the claims of contending parties. The traditional version has blamed the King for decisions with which he had little to do, and has attributed to him a narrow desire to oppress his subjects for his own benefit. In reality, in this as in the other difficult colonial questions with which they were trying to cope at the same time, the ministers had a sounder appreciation of the national interest than most of their critics. Their grasp of the problems was imperfect, and they were forced to experiment in an unknown field, but even thus early we can see dimly some attempt to search for a sound imperial policy. The members from the west of England resolutely protested that any and every colony in Newfoundland and New England alike was harmful to the interests of the English fisheries and should be prevented, and they

[1] Stock, L. F., *Debates*, 1, 39.

[2] *Commons' Journals*, 1, 626.

persuaded the House of Commons to pass the bill for free fishing in its most uncompromising form, although it was defeated in the Lords where the advocates of colonisation were stronger. The matter was regarded by the Commons as in the forefront of the grievances that precipitated the quarrel with the King over free speech and led to the abrupt dissolution of Parliament in 1621.

Parties were differently aligned on the other acute colonial question of the time, the importation of tobacco, for here the private interests of Sandys and his friends favoured the setting up of a strict and exclusive monopoly. The Privy Council began to give close attention to the tobacco question in 1619, and thenceforward for a quarter of a century discussions and negotiations between the various interests concerned were both incessant and intricate. The controversy[1] was really at the centre of a prolonged series of experiments in economic statecraft. The colonies were newcomers in the body politic, and Englishmen had to find gradually by a process of trial and error the way to construct a new economic system to include them. The King's subjects, whether at home or overseas, had a like right to look to him and his Government for measures to foster their prosperity. They were all parts of the realm that he had sworn to govern well. In 1621 the Crown consented to prohibit the growing of tobacco in England and Ireland, but required in return that the colonists should bring all their tobacco to England for sale. The importation of Spanish tobacco was greatly restricted or forbidden in order to leave the market clear. Thus English consumers had to pay high prices for an inferior article to foster the interests of the planters, but Virginia was never satisfied. When the new English colonies were settled in the West Indies repeated petition was made that all tobacco-growing should be prohibited there, though without success until sugar came to replace it after 1640.

The troubles over the tobacco contract in 1621–2 added fuel to the fires of faction that were raging in the Virginia and Bermuda Companies, and Sandys and his friends were unmeasured in the accusations of corrupt practices that they heaped upon their rivals and government officials alike.[2] They showed no scruples in suppressing complaints from Virginia that would be damaging to their management and in editing the official records of proceedings to favour their arguments.

The results of the Southampton-Sandys *régime* were of great importance in the political field, as will be seen later, but this could not be realised at the time. In the economic field they fell so lamentably short of the promises that had been held out that the Privy Council was obliged at last to take action, in much the same way as in the case

[1] See Beer, *Origins*, chap. iv.

[2] See Scott, W. R., *Joint Stock Companies*, II, 271 seqq.; Osgood, H. L., *American Colonies in the Seventeenth Century*, III, 41–53.

of later chartered companies. It was moved by the news of the most serious calamity that Virginia had suffered. The colonists had generally lived in peace with the Indians whose hunting grounds lay upon the borders of their scattered settlements, but on Good Friday, 22 March 1622, war parties of the tribes suddenly descended on the plantations with fire and slaughter. Scores of the outlying houses were burned, great numbers of cattle were destroyed, and 347 persons were killed with all the atrocities of Indian warfare.[1] As this was about a quarter of all the white inhabitants in Virginia the blow was crushing. The survivors were left in grievous straits, but the ruling faction in the Company did little to relieve them or to give information to the public of what had happened. Nathaniel Butler, late Governor of Bermuda, shocked the authorities with a highly coloured account of the conditions he had found prevailing in Virginia, and Warwick and Smythe appealed to the Crown for a commission of enquiry. It was declared that of the 10,000 persons who had been shipped to the colony less than a fifth part survived in a desperate condition, so that there was danger that "other nations would term Virginia a slaughter house both odious to ourselves and contemptible to all the world".[2]

Things had come to such a pass that an enquiry was obviously in the public interest, and in April 1623 a strong commission was appointed including various respected men of affairs who had had experience of plantations in Ireland. At the same time a special committee of the Privy Council was appointed to consider the reform of the government of Virginia, and the appointment of the three lords (Grandison, Chichester and Carew) who had had most experience in governing Ireland indicates the direction in which precedents were sought for future action. The report of the commission of enquiry showed that the affairs of the Company had been badly mismanaged by the Southampton-Sandys administration and that the colony was suffering severely. In 1618, when Smythe resigned the treasurership, there were more than 1000 persons in Virginia and 4000 emigrants had since been sent, but in 1623 only about 1200 remained, the rest having perished. On such a showing alone it was clear that something must be done, and the Privy Council proceeded to demand the surrender of the charter with a view to the assumption by the Crown of more direct responsibility for the government and probably the confining of the Company to private functions. Many of the members were in favour of compliance, but Sandys and his allies were entirely recalcitrant, and, being in possession, they denied to the mass of the shareholders any opportunity of voting. The Council therefore in November 1623 entered upon the regular legal course of a suit of

[1] Neill, E. D., *Virginia Company*, pp. 307–21; narrative in Smith, John, *Works*, pp. 572–94.
[2] Butler, N., *The Unmasked Face of our Colony in Virginia as it was in the Winter of the year 1622*, printed in *Records of Va. Co.* II, 374–6.

quo warranto for the annulment of the charter and it ended in favour of the Crown's contention.

When Parliament met in February 1624 Sandys attempted to carry the Virginia case directly into the political arena. In April 1624, Nicholas Ferrar, his principal lieutenant, presented a petition to the House of Commons setting forth their case. Ferrar practically invited the members to take their side against the Crown in the dispute, as they had done in the controversy over free fishing with the New England Council. But the sense of the House was distinctly against any such interference, and the petition was referred for examination to a committee including members of both factions.[1] The Government was not prepared to have the acrimonious dispute fought over again, and the House welcomed with a sense of relief[2] a message from the King stating that he was taking steps for the better government of Virginia and desiring the Commons not to proceed.[3] The course taken was certainly the best to fit the immediate circumstances, but incidentally it marked again the view of constitutional propriety expressed by Secretary Calvert in 1621 that the affairs of the King's dominions in America lay beyond the province of the English Parliament.

The revocation of the charter only terminated the Company's governmental functions, and it was allowed to continue as a trading corporation. It tried to carry on till about 1632, but the whole of the capital of more than £200,000 that had been subscribed since 1606 was irremediably lost, the Company was bankrupt, and it finally disappeared. The commission of enquiry into the affairs of the Somers Islands Company reported more favourably, and it was allowed to continue its administration. Many of the Bermuda colonists left the islands after 1625 to pass to new colonies in the West Indies,[4] and those who remained settled down to an obscure and uneventful life. The existence of the chartered Company continued until 1684 when upon its own motion it was allowed to surrender its functions to the Crown.[5]

The change of government made no alteration in the legal position of the colonists in Virginia, but rather afforded them security against excessive interference. The transfer, in fact, aided in the gradual growth of confidence, and the prosperity of Virginia began to increase steadily. Immediately after the massacre of 1622 the population numbered only 894 persons,[6] but by 1636 it had risen to over 6000. The excessive rate of mortality was checked, and Virginia

[1] Stock, *Proc. and Debates*, I, 63–8.
[2] *Cal. St. Pap. Col., Am. and W. I.* 1574–1660, p. 61. Chamberlain to Carleton, 30 April 1624.
[3] St. Pap. Dom., Jas. I, CLXIII, no. 71.
[4] See Newton, A. P., *Colonising Activities of the English Puritans*, chap. i.
[5] Lefroy, J. H., *Memorials of the Bermudas*, II, 527–41.
[6] Brown, A., *First Republic in America*, p. 464.

received her full share of new settlers from the great flow of emigration that marked the years of Charles I's personal government.

Meanwhile after Smythe's displacement, clear signs appeared that the despotic commercial management of the colony, under which the settlers were treated like labourers on a detached English estate, must give place to one in which they would at least share in framing decisions on their local concerns. The new administration had a free hand, and to remove the grievances of monopolist government it turned to the parliamentary methods in which it trusted. It desired to elicit the full co-operation of the colonists in carrying out its policy, and one of its first decisions was to summon a General Assembly in Virginia to consist of the council of state and two burgesses chosen by the planters or freeholders from each town, hundred or other particular plantation. An instruction to this effect was sent out by the new governor, Sir George Yeardley, and the first Assembly was convoked in the church at James Town in July 1619.[1] The union of the separate districts as parts of one colony government was thus assured and the first offspring of the ancient Mother of Parliaments came into being. It was followed by the summoning of a similar Assembly in 1620. The Somers Islands Company also directed its governor to call the colonists into council at the same date,[2] and the Bermuda Assembly thus convoked has an uninterrupted connection with the island legislature of to-day.

The acts of the Virginia Assembly were sent to England to be considered by the Company in 1620, but the result has not been recorded; the second Assembly sat in 1621 and the third in 1624 just before the Company's charter was resumed. The first list of acts that has been preserved comes from this third Assembly and the acts mostly relate to the organisation of local government and to economic matters. One important echo of current political controversies in England appears. The sole taxing power of the General Assembly was affirmed, and it was declared that no taxes should be laid in the province except by its authority or expended except as it should direct.[3] When Sir Francis Wyat was sent out as the first royal governor of Virginia in 1624, he received instructions to continue the Assembly in the same form as in Yeardley's time, and the burgesses were given free power to consult and conclude on matters concerning the public weal of the province and to enact general laws for its government. Thus the assumption by the Crown of direct control involved no restriction of the political liberties of the colonists, but rather placed them on a more secure and permanent footing.

While the troubles over Virginia were at their height Sir Ferdinando Gorges was pushing on his northern schemes. Theoretically the grant to the Council of New England covered the whole coast

[1] Osgood, I, 92. [2] Lefroy, *Mems. of Bermudas*, I.
[3] Hening, *Statutes of Virginia*, I, 121; Osgood, I, 96.

between Newfoundland and Virginia, but the Dutch set a southern limit by the foundation of their colony of New Amsterdam at the mouth of the Hudson River in 1621. The grant of the site of New Plymouth to John Pierce in June 1621 on behalf of the *Mayflower* Pilgrims[1] was the first assignment of lands by the new council, and the next was to one of the King's old followers, Sir William Alexander, who was projecting a colony of Scotsmen. His interest in colonising schemes was aroused by Captain Mason who had been governor of Guy's colony in Newfoundland and wrote thence in 1617 to a friend in Edinburgh to commend it as a place of settlement for the Scotsmen who were then flocking over to the new plantations in Ulster.[2]

Alexander's grant of September 1621 covered the whole northern part of the territory assigned to the New England Council, which he called "New Scotland" and divided with his friend Sir Robert Gordon of Lochinvar who proposed to found a colony of "New Galloway" in Cape Breton Island. Small expeditions with a few emigrants were sent out by Alexander at his own expense in 1622–3, but they had no success.

Scattered parties of settlers went out from time to time to various places on the New England coast and met with uniform failure, and the only real colony before 1629 was that at Plymouth. There has been a tendency among historians of the period to belittle the efforts of Gorges and his coadjutors and to attribute their failure to the incompetence of the court party, possibly with the unconscious aim of showing the success of the Puritans in sharper relief. They class the formation of the New England Council among measures of Stuart "tyranny", whereas, if we look beyond the boundaries of a single area and consider what was happening elsewhere at the time, it appears rather as an experiment in the unexplored art of managing distant dependencies. The failure of the early attempts both in Maine and in Newfoundland was really attributable to the trouble over the fisheries and to lack of consistent financial support. The association of the names of well-known courtiers with the New England Council does not warrant us in attributing its failure to a court party any more than the success of St Christopher and Barbados can be attributed to the Earl of Carlisle, the most prominent courtier of his time. In reality, the most active noblemen associated with the work of the Council, like Lords Warwick, Brooke and Saye, were identified in the political struggle with the party of opposition. Most of the other men of rank who lent their names, like Hamilton, Lindsey and Goring, did so in pursuit of a passing fashion.

The projectors and patrons of most of the colonising schemes of the time were neither persistent enough nor, which is more important, able to furnish the regular supplies of capital that were necessary. The only

[1] See "Records of the Council of New England", *Proc. of Amer. Antiq. Soc.* April 1866, pp. 91–93. [2] Published in 1620 as *A Brief Discourse of the New-found-land.*

persons with ready money at command were the merchants who, as a rule, cared little for ideas such as attracted the projectors. In the early days of Virginia and Bermuda Smythe was willing for the sake of his ideas to wait long for his profits, but he was unique both in the amplitude of his resources and the breadth of his views. The merchants at the back of the West Indian ventures were willing to continue providing capital because they could look for profits on the sale of tobacco and by supplying goods to the planters. In the same way the men who kept Virginia and Bermuda going were not those who wrangled in the courts of the companies, but those who supplied the magazines and took the planters' produce in payment. In New England and Newfoundland the interests of the merchants concerned were directed not towards colonisation, but to the fishing and fur trades to which a resident population was inimical. The great majority of the fishing merchants were determined, if they could, to carry on their business in the traditional way and to keep the shores as drying grounds during the summer season. The disputes over free fishing were fatal to the schemes of the colonisers. Merchants gave little credit to their promises of profit, and could find better use for their money elsewhere. The better class of emigrants would not readily go to places where it was notorious that they would be faced with the hostility of large numbers of unruly fishermen, and New England had therefore to await a new and more potent colonising motive than that of profit.

Alexander's expeditions to Nova Scotia were regarded by France as an infringement of her right of prior occupation, and in 1624 she protested to James I against the trespass of his subjects in the peninsula.[1] But the protest was disregarded, and the King tried to aid Alexander by following a precedent employed in the plantation of Ulster. To further the enterprise an order of "Knights Baronets of Nova Scotia" was founded for those who would send out settlers and pay heavy subscriptions to the funds. The outbreak of war with France set on foot other enterprises to seize the fur trade and to profit by attacking Champlain's little colony on the St Lawrence.

The story of this first English conquest of Canada will be told in a later volume,[2] and we can here say only that on 29 August 1629 Champlain was forced to surrender the fortress of Quebec to an expedition organised by David Kirke, a privateering merchant of mixed English and French descent;[3] a few weeks previously Scottish colonists had landed in Cape Breton Island and Alexander's men had occupied the settlement of Port Royal. The whole of the territory in French occupation in North America had therefore fallen into British hands. But meanwhile affairs at home had taken a turn that was fatal to Kirke's ambitions.

[1] See Insh, G. P., *Scottish Colonial Schemes*, 1620–88, pp. 212–13.
[2] See vol. VI.
[3] See Kirke, H., *The First English Conquest of Canada.*

The French war had been marked by a series of disgraceful failures and Charles was utterly without means to fight further. The nation had lost interest even in the war with Spain and men's thoughts were more and more concentrated on the domestic quarrels in Church and Parliament. Richelieu, anxious to free his hands for the struggle with Spain over the Mantuan inheritance, was ready to make peace on easy terms. On 14/24 April 1629, therefore, a treaty between the two Powers was signed at Susa. Almost all debatable questions were postponed for further discussion, but it was agreed that while prizes made before the peace should be retained, those taken after an interval of two months from its conclusion should be restored.[1]

Richelieu was paying especial attention at this time to commercial and colonial affairs and he would not acquiesce in the retention of Canada and Acadia by Great Britain. Kirke's and Alexander's occupation had undoubtedly begun after the lapse of the period of two months' grace stipulated in the Treaty of Susa and though the words of the article ostensibly referred only to ships captured as prizes, they could also be read to include establishments on shore. The Scottish colonists in Cape Breton Island had been defeated and brought captive to France very soon after their landing, but Kirke was firmly in possession at Quebec and Sir William Alexander's Scots at Port Royal. On the other hand the French had not yet paid over the whole of the dowry of Queen Henrietta Maria, and they retained two rich English prizes which had been captured and brought to Dieppe while carrying negro slaves for Sir Nicholas Crisp from Guinea to the American plantations. The negotiations for an accommodation were long drawn out, but ultimately the French succeeded in their demands and by the Treaty of St Germain-en-Laye (19/29 March 1632)[2] mutual restitution was agreed upon. Quebec and Port Royal were handed over to the French commanders, and the first English occupation of Canada was at an end. Little interest was taken in the transaction by the general public, but Kirke and his associates were loud in their outcry against the injustice that they claimed had been done and before long they tried again in Newfoundland.[3]

In reality it would have been impossible for England to have retained the conquests without the danger of a fresh breach with France, which Charles was in no position to contemplate. An ill-conceived and ill-directed foreign policy had placed England in an inferior position wherever she had to face the competition of other colonising Powers. Luckily the progress of the Empire was not dependent upon governmental support; at the very moment when English prestige in Europe had sunk to its lowest point, in the field of colonisation individual enterprise became more active than ever

[1] Art. 7 of Treaty of Susa: Davenport, p. 364.
[2] Davenport, pp. 319–23.
[3] *Vide infra*, p. 181.

before. New motives were at work that owed little to high policy but sprang wholly from domestic conditions. They brought about the settlement of colonies of a new sort with results of profound importance for England and the world.

Upon the details of the founding of New England it is not necessary to dwell at length. For our purpose it is of more importance to emphasise certain aspects of it that were of lasting consequence. Though the great majority of Englishmen conformed to the settlement of the Church as established by the Act of Uniformity, there were small groups scattered here and there who desired to go much further in the direction of reform and would not acquiesce in even the mildest episcopal control. We showed earlier how such a group of Brownists proposed to sail to America with Captain Charles Leigh in 1596 and how the design ended in failure. Many other little parties of separatists left England under Elizabeth and James I to escape the reach of authority, and they mostly fled to the Netherlands. In 1607 such an independent congregation from Scrooby in Nottinghamshire, without licence from the authorities,[1] were led oversea by their pastor, the Rev. John Robinson, and William Brewster. They established themselves first in Amsterdam and later in Leyden, and there for ten years they strove to keep themselves apart, much as they had done in England. But they found the conditions round them irksome, their religious feelings were troubled by their neighbours, they had a hard struggle to make a living, and feared that their children were forgetting that they were English.[2] In 1617 the leaders determined to carry their congregation to a fresh home in the New World far from corrupting influences. But they were without sufficient means to provide for transportation and to stock a colony. They first contemplated a settlement in Guiana where they might live by planting, but this plan was soon abandoned, and they approached the Virginia Company for a licence to settle within the limits of its grant but far removed from the colony round James Town. An invitation from the Dutch to settle in their newly projected colony at the mouth of the Hudson River was rejected as inconsistent with their desire to remain English, and through Sir Edwin Sandys they obtained the Virginia licence they desired. Application was made to the Crown for governmental sanction of their project, and this was granted without trouble, but they failed to obtain the patent they sought to protect their separatist form of Church organisation. No Government in that age could be expected to establish such a precedent of religious toleration, but the petitioners were informally promised that they would not be interfered with so long as they bore themselves peaceably. So far from persecuting them, the authorities

[1] For impartial surveys of the story see Adams, J. T., *Founding of New England*, pp. 90–103; Channing, E., *Hist. of U.S.* I, 293–315.

[2] Bradford, W., *Hist. of Plymouth Plantation*, pp. 22–4.

regarded their plans benevolently, but it was difficult to obtain financial help to carry them into effect. As was shown earlier, so much money had been lost in colonial schemes that financiers generally declined to help them. Luckily for the pilgrims, some of the London fishing merchants were beginning to be interested in the New England fur trade and fisheries and saw opportunities of profit in the establishment of a permanent base there. A terminable joint stock was formed to which the merchants subscribed money or stores and the emigrants their labour, and it was agreed that after seven years the accumulated property of the venture should be distributed *pro rata* among the shareholders.

Incessant difficulties arose to delay the enterprise, and it was not until 6 September 1620 that the first of the emigrants managed to get away from the port of Plymouth in the *Mayflower*. Their pastor Robinson was unable to go with them and John Carver was elected governor, being succeeded on his death a few months later by William Bradford, the historian of the colony. After a voyage of two months and a half they came at length to the sandy shores behind Cape Cod and landed there in the middle of November. The region clearly lay beyond the limits of the Virginia Company whose licence they held, but they decided to remain, and after some weeks' search they settled on a site for the colony which they called Plymouth. There building began on 21 December 1620. As already mentioned, a grant of land for the settlement was obtained by John Pierce from the Council of New England in whose jurisdiction it lay, but this was rather for the security of the merchants who had financed the voyage than for the benefit of the colonists, and ultimately they had to buy Pierce out. The foundation of the Plymouth colony attracted little notice in England, and almost the only public reference to it was in the debate in the House of Commons on free fishing when the issue of a patent to the settlers by the Council for New England was quoted as one of the grievances of the fishermen.[1]

For ten years until the foundation of the Massachusetts Bay colony in 1629 Plymouth with its two or three hundred settlers was by far the largest centre of population in New England, but there were many other attempts along the coast from Maine southwards. None of them succeeded in establishing organised or self-supporting communities because profits were lacking. In the plantation colonies where profitable investment was possible, the planters became to a considerable extent merely cultivators for English absentee owners, but in Plymouth the London merchant-venturers had sold out to the settlers and cut their losses by 1627, and from that time onward the colony was economically self-contained. The settlers could live their own lives, and all their efforts contributed to their own benefit. A great sickness had recently killed off almost the entire aboriginal population

[1] *Vide supra*, p. 148.

about Plymouth and Massachusetts Bay, so that the little settlement was fortunately able to survive its early years without Indian attack.

Constitutionally the colony was in an entirely anomalous position, for it could never procure a grant from the Crown giving rights of jurisdiction. The Company derived directly from the earlier trading enterprises with a terminable joint stock. When such attempts had been made with the shiftless or broken men who were the usual emigrants of the time, they had resulted in failure, but the infusion of the religious motive provided a nucleus of settlers of determination and self-control who could carry the colony over its initial difficulties, and this was the new and vital factor in the experiment. The men of strong religious conviction were, it is true, but a nucleus; among the original 102 passengers in the *Mayflower* only thirty-five had belonged to the Leyden congregation and the remainder were a very mixed company from London who gave signs of indiscipline from the start. But the leaders found means to control their followers even before they landed in America, and thenceforward they never lost command. The first permanent colony in New England owed almost everything to a narrow group of men who could work together as a team. To quote the words of one of them: "In these hard and difficult beginnings they found some discontents and murmurings arise amongst some, and mutinous speeches and carriage in others; but they were soon quelled and overcome by the wisdom, patience and just and equal carriage of things by the governor and better part which clave faithfully together in the main."[1]

The steps they took were of constitutional significance, for they gave a radically democratic basis to the colony from the start. Some of the rougher emigrants from the London slums, sent out by the merchants as indentured servants, knew that they were no longer under authority when it was decided to settle beyond the boundaries of the Virginia Company's grant, and boasted that they did not intend to be ruled by anyone, but would use their own liberty. To cope with this menace the leading colonists assembled together on 11 November 1620 and drew up a short written instrument modelled on the form of a separatist Church covenant. By this "*Mayflower* Compact",[2] as it has been called, they agreed to combine themselves into a civil body politic for their own preservation and to assume such power under the King as was necessary for the framing of just laws and equal ordinances and the appointment of competent officers. Forty-one men signed the document and thus established a basis for the legal authority of their government in the absence of an express commission from the King. The signatories became in fact the first freemen of a new political community, preserving their allegiance to the English Crown and laws unimpaired, but compelled by reason of

[1] Bradford, pp. 192, 3.
[2] Facsimile from Bradford's *History* in Adams, J. T., *op. cit.* p. 93.

distance to govern themselves separately. Such plantation covenants were used in the next twenty years in the founding of many other settlements in New England, and they provided a written fundamental instrument of authority wherever there was no royal grant conferring jurisdiction on a lord proprietor or a chartered company.

Throughout the whole of its separate existence the Plymouth colony was a poor and struggling community, but the religious motives that had inspired it found a wider outlet in the larger and more important settlement that was founded ten years later on the shores of Massachusetts Bay. Such a stream of emigration was attracted as England had never seen before, and the new commonwealth rapidly became a factor of immense importance in the development of the Empire. The germ of the enterprise is to be found in one of the small fishing ventures, common along the New England coast at the time, which was started at Cape Ann in 1623 by certain merchants of the town of Dorchester, and by 1626 seemed to have come to the usual unprofitable end. But the Rev. John White, the Puritan incumbent of the parish of Holy Trinity, Dorchester, saw in the venture an opportunity to further a project of wider import. Conditions in England were rapidly growing unbearable to men of a certain temper, for the rift between Crown and Parliament was daily widening and religious dissensions becoming more acute. Puritanism and English liberty alike seemed swamped by tyranny and ungodliness, and White conceived no less a plan than to found a refuge for the righteous beyond the Atlantic and there "to raise a bulwark against the kingdom of Antichrist which the Jesuits labour to rear up in all quarters of the world". The Protestants of the Palatinate and La Rochelle were already "overwhelmed and enslaved" and he urged his countrymen "to avoid the plague while it is foreseen, and not to tarry as they did till it overtook them".[1] White exercised great influence among the straitest sect of Puritans under the leadership of the Earl of Lincoln, who were closely bound together by ties of friendship and intermarriage, and they warmly took up his plan. The Dorchester fishing company was revived; a grant of land was obtained from the New England Council with the assistance of the Earl of Warwick, and one of White's parishioners, John Endicott, was sent out in September 1628 to prepare the way for those who would follow later. The number of the supporters of the scheme grew rapidly, and on 4 March 1629 they obtained from the Crown a charter establishing "the Governor and Company of the Massachusetts Bay in New England". Its provisions were modelled on those of preceding chartered companies for colonisation, with a Governor, a Court of Assistants and rules for the holding of quarterly General Courts of all the freemen.[2] According to the Virginia and Bermuda precedents a local governor and council

[1] *General Considerations for Planting New England* (1629).
[2] *Massachusetts Records* (ed. Shurtleff), pp. 1–20.

were appointed by the Company to manage affairs in New England; they established their first settlement at Salem and by the end of the summer of 1629 the colony numbered about 300 persons.

A momentous departure from precedent was made by the Company in England during the same summer. On 26 August 1629, after much secret debate, it was determined by the ruling members of the Company that they would transfer themselves and their families with their belongings to Massachusetts. They resolved that "the whole Government, together with the patent for the said Plantation, be by an order of court legally transferred and established to remain with us and others which shall inhabit upon the said Plantation".[1] That this resolution could be legally carried out was due to the fact that, whether by design or otherwise, the patent departed from earlier colonising grants since it contained no provision to secure that the government of the Company should be carried on in England. It is possible that the petitioners for the patent knew how the Plymouth colonists a couple of years before had bought out their London partners and so made themselves independent of outside interference; there may or may not have been a positive design to secure a like autonomy, but whatever the case, the step was of far-reaching consequences.

John Winthrop, the newly elected governor of the Company, in the summer of 1630 took out with him nearly a thousand emigrants who had paid their own costs of transportation and were bound by no financial obligations to promoters remaining behind in England. Thenceforward with hardly a break until his death in 1649 Winthrop took a leading share in the government of Massachusetts, and to him is attributable in no small degree the success of the colony. Though the form of government that he did so much to found was one of the main roots from which sprang the troubles of the American Revolution, Winthrop undeniably deserves to be ranked very high among the builders of the Empire.

By the transfer of the form of government of an autonomous trading company, and its almost insensible adaptation to the purposes of civil government, the Massachusetts colony was provided with a polity based not upon traditional and flexible English precedents but upon a written instrument to be interpreted according to strict legality. The promoters had no intention of founding a democracy, though that was to be the most striking result of the colony's development. They believed in strong government by those qualified to exercise it, and they felt themselves divinely called to establish God's kingdom. Hence the narrowness and aggressiveness of the ruling clique of magistrates and clergy which from the beginning distinguished Massachusetts from other colonies. The management of the Company's affairs and therefore the whole governing power in

[1] Winthrop, R. C., *Life of J. Winthrop*, I, 345.

the colony was legally vested by the charter in the subscribing freemen, but of the 2000 inhabitants in 1631 not more than twelve possessed this qualification. A demand for a share of political rights could not be refused to some of the leading colonists outside the governing circle without the danger of an exodus to the unoccupied lands of Gorges and Mason to the north. Again, some of the outlying settlers raised objections to the payment of taxes about which they had not been consulted, and the governing clique gave way a little and agreed to admit a number of new freemen to the General Court, not like subscribers to the original commercial Company, but as citizens admitted to the franchise. Many of them in outlying settlements could not attend meetings in Boston and elected deputies to represent their particular communities. Before 1635, therefore, a full system of parliamentary government had been evolved from what had at first been the ordinary machinery of a joint-stock company.[1] But through all the changes the complete control of the ruling few was never weakened, and the essential character of the government remained that of a theocratic oligarchy.

For local purposes the settlers organised themselves by Church covenant into a closely-knit and self-perpetuating body from which all but the most rigid Puritans were excluded. As the colony grew, this device for Church government was adopted in each new settlement, and it produced momentous results. It derived not from English but from continental precedents inspired by John Calvin, and it meant that Massachusetts from the first diverged from England in matters of religion, for worship according to the form of the English Church was stringently forbidden, and those who practised it were driven out. In civil matters, too, the organised congregation became the body in which the local affairs of the community were managed. Political rights were thus restricted to the narrow circle of Church members, an undeniable narrowing of the usual English freehold franchise. But the form of local government was strong and efficient under the lead of the minister, a better educated man than the rest; it ensured the extension of the colony not by unorganised individuals in haphazard fashion, but by a number of community groups each carrying with it a ready-made organisation. Englishmen emigrating to Massachusetts became subject to a government which differed radically from anything they had known before. Between 1629 and 1640 its population rose from less than 300 to more than 14,000, but not more than one in every five adult males possessed full Church membership or political rights. Religious freedom was non-existent, for the government was infinitely more rigorous in its demands for orthodoxy according to its own interpretation and as unsparing in its pursuit of the unorthodox by the civil power as any English government had been.

[1] Osgood, H. L., *American Colonies in the Seventeenth Century*, vol. I, pt II, chap. i.

What then attracted men to New England in such large numbers? The answer is to be sought in its economic conditions and the opportunities it afforded to the common man. The England of the seventeenth century was an agricultural country; most Englishmen lived under rural conditions and were filled like all countrymen with land hunger. In New England land could be had almost for the asking, and it could be profitably cultivated in much the same way as at home. If a man went to Virginia or the West Indies, he had to serve a long apprenticeship under unfamiliar conditions, and even when he had earned his freedom, he could only get land for himself by the payment of rent. The area of the West Indian islands was so small that all the cultivable land was rapidly taken up and newcomers were doomed to the position of landless labourers who were dependent upon imports even for their food. The New England township on the other hand was almost self-sufficing, and though a newcomer had to live hard and work hard, he was independent from the start, and could look forward with some assurance to a modest prosperity. The artisan could find ample room to ply his craft under vastly more healthy conditions than medieval slums and medieval trade restrictions afforded. It was free land and freedom of labour that drew men to New England. The process of migration was to some extent selective, for the poorer and more shiftless emigrants could not pay the expenses of their transportation and so were compelled to accept service with the recruiting agents for the plantation colonies. Those who were better off could pay their own passage and go where they would. The selective process was continued when they arrived in the colony; the more hardy and adventurous pressed out to the edge of the settlements in search of the best land available, leaving their weaker brethren to settle more closely in the older parts and help in forming a well-knit society. Thus the New England pioneers had advanced bases in America from which to carry on their conquest of the wilderness and they were no longer dependent for supplies on the distant home country. So there began that influence of the American frontier in the life of the Empire which has been of profound and lasting importance.[1]

The close control of the Massachusetts magistrates was irksome even to many who shared their religious views, and it awoke in them a desire to move further afield. The first step on the long westward trail that was ultimately to lead to the shores of the Pacific was taken when settlers moved inland from the coast plain towards the fertile lands along the Connecticut River. The Dutch from Manhattan had established trading posts there as early as 1626, and they were followed in 1633 by certain fur-traders from Plymouth. The Massachusetts

[1] See Turner, F. J., "The Significance of the Frontier in American History"; *Proceedings of Wisconsin State Hist. Soc.* 1894, pp. 79–112; "Social Forces in American History", *Mag. of Hist.* XIII, 117; *The Frontier in American History, passim.*

authorities declined to grant permission to join in this Indian trade, but in 1635–6 organised congregations of newcomers from England and older colonists trekked across the hills in search of fertile land and formed settlements round Hartford on the middle course of the river. The leading spirit in the movement was the Rev. Thomas Hooker, a man of great spiritual force who had found it impossible to agree with his ministerial brethren either in England or in Massachusetts. The men of the River Towns, as the settlements were called, had no commission either from the English Government or from the authorities in Boston, and their only title to their lands was obtained by nominal purchases from the neighbouring Indians.

Massachusetts strove to retain control though the new towns lay outside the limits of her charter, but Hooker was determined to be independent. In 1639 under his leadership the settlers organised a formal government[1] on a purely democratic basis without any religious requirements attached to the franchise, though possibly there were practical restrictions. Hooker maintained that the foundation of authority lies in the free consent of the people, and they alone have the power to appoint officers and magistrates and to set bounds and limitations to their authority. The constitution or "Fundamental Orders" drawn up by the elected representatives of the settlers contained no recognition of any superior authority in England and implied a claim to complete independence. The document remained unknown or unregarded by the English Government which had its hands full elsewhere. It was the first written constitution in the English-speaking world on an ostensibly democratic basis and is of importance as illustrating what was rapidly to become the feature that most clearly differentiated the New England colonies from the home country. The Fundamental Orders remained the sole instrument of government in the colony until Governor John Winthrop junior procured a formal charter from Charles II after the Restoration.

Hooker and the Connecticut colonists left Massachusetts against the will of the magistrates and only obtained their reluctant permission to depart after much pressure. Roger Williams, however, the founder of the settlements around Narragansett Bay, which afterwards became the colony of Rhode Island, was expelled for his attacks upon the government of the oligarchy. An able writer and preacher of great personal charm he came to Boston in 1631 and was called to be minister of the church at Salem but soon got into trouble with the authorities for proclaiming that the civil power had no authority to punish religious offences. He passed for a time to Plymouth, but in 1634 he returned to Salem and preached the doctrines of the separation of Church and State and of religious toleration more persistently than before. He also maintained that the Massachusetts charter had no legal basis and that the King had no right to grant the lands on

[1] Osgood, I, 304.

which the colony was founded since they belonged only to the Indian tribes. Such dangerous theories could not be tolerated by the civil authorities or the ruling ministers, and Williams was brought to trial and condemned to banishment from the colony as a disturber of the peace. Preparations were made to ship him back to England, but in January 1636 he escaped and fled to the Indians near Narragansett Bay.

Williams had only a comparatively small following, but the churches of Massachusetts were split from top to bottom by another controversy that arose at the same period. This centred in the teaching of Mrs Ann Hutchinson, a woman of great religious fervour who had come from England to Boston with her family in 1634. The trouble began over religious matters, but it soon merged into a political attack upon the ruling oligarchy and became dangerous when the new governor, Sir Henry Vane the younger, espoused Mrs Hutchinson's cause. Winthrop took up the leadership of the opposite side and a bitter struggle for power filled the years 1637 and 1638 until Vane returned to England in disgust and Mrs Hutchinson was excommunicated and thrust out.

The result of the controversy was to rivet the control of the narrow and intolerant ruling clique on Massachusetts and to excite the serious alarm of the English Government with results that will be considered later. While it was raging, various fugitives from Massachusetts gathered in three small independent settlements at Providence, Portsmouth and Newport on Narragansett Bay on lands obtained by Williams from the neighbouring Indians, and thither Mrs Hutchinson fled with many of her followers. The settlers were united in their opposition to Massachusetts, but they had little definite organisation or leadership. The only form of government in each town was a town fellowship for local purposes, a loose democracy of the simplest sort based upon agreements signed by the heads of families, and it was not until 1644 that in the face of an imminent Indian attack they were united as the colony of Providence Plantations under a charter obtained by Williams from the Earl of Warwick and the Parliamentary Commissioners for the Plantations.[1] This was the earliest attempt to incorporate previously diverse governments into a colony, but the movement towards union was so feeble that it was not until three years later that the charter was accepted and the towns bound themselves together by an engagement or social compact into a democracy, "that is to say, a Government held by the free and voluntary consent of all, or the greater part of the free inhabitants".[2] The colonies of Rhode Island and Connecticut largely owed their inception to revolt against the theocratic tyranny in Massachusetts, but the next settlement, New Haven, went further in the direction of theocracy. The leader in its foundation was the

[1] Osgood, I, 354. [2] *Ibid.* I, 357.

Rev. John Davenport of London, a Puritan clergyman of the straitest doctrine; he arrived in New England late in 1637 with many of his comparatively wealthy parishioners, who had determined to establish a mercantile rather than an agricultural community, to be ruled as a Bible commonwealth. In 1639 a form of government was agreed to by an assembly of all the "planters" which entirely ignored all external authority, and even abandoned the English common law, declaring the "word of God" to be the only rule in the Plantation. A stringent religious test was established, and the freemen placed the whole power of government in the hands of a body of twelve which was to be self-perpetuating. New Haven was thus ruled by the narrowest of oligarchies, but its example had little influence upon the prevailing trend of New England towards democracy. It was surrounded by many small settlements of seceders from Massachusetts that differed so acutely on doctrinal matters that they found it almost impossible to agree in civil affairs. Ultimately they were all absorbed into the colony of Connecticut, and shared in its democratic constitution. The process of double selection which weeded out the most determined nonconformists from many English parishes, and then sifted them again by religious contention into separate settlements, in a very few years produced a divergence in temper between New and Old England that has been of lasting significance.

Attention to the minor differences between the various colonies settled in New England in the decade 1630–40 must not obscure their general homogeneity. They were situated in one natural geographical area within which intercommunication was easy, but which was isolated from other regions by almost impenetrable forest barriers. There was no waterway tempting men far into the interior, for the Hudson River was a Dutch preserve, and the colonists had no access to the St Lawrence or the Great Lakes. The landlocked harbours and shallow bays along the coast, however, fostered shipping, and from the beginning the New Englanders were both a trading and seafaring as well as an agricultural people. It has already been stated that the first settlements were spared from Indian attack by the depopulation of the coast region by a great plague that just anteceded the coming of the white men. For some years the colonists lived in peaceful relations with the few remnants of scattered tribes, but when the migration into the Connecticut valley began, the Indians who came down from the western forests became dangerous, and the long struggle of frontier raids and punitive expeditions began. The Connecticut settlers had invaded the hunting grounds of the tribe of Pequots, who were the first to feel the white man's vengeance for their raids upon outlying farms. In 1637 remorseless war upon them was waged until almost the whole tribe was exterminated; only a few women and boys were spared to be enslaved and sold to the Bermudas in order to recoup some of the expenses. Roger Williams, whose personal

influence had not only saved other tribes from joining with the Pequots against the settlers, but also persuaded them to aid in the war, pleaded hard against the slaughter of the last defenceless stragglers. But the Boston preachers would hear nothing of mercy; they loudly declaimed savage texts from the Old Testament as evidence of a divinely ordained sanction of extirpation as the only Indian policy. Thus began the first advance of the bloodstained western frontier that was to provide the hardest colonial problems of the next two centuries.

While the New England settlements were being shaped, a disastrous experiment had been made in the Caribbean which showed that the secret of their success did not lie wholly in their Puritanism. In the same months that subscriptions were being invited among the inner circles of the Puritans to the Massachusetts Bay Company, the Earl of Warwick and certain of his supporters in the Bermuda Company were preparing to seize two islands in the heart of the Caribbean and to establish there a Puritan colony. A charter for the Providence Company was obtained from the Crown and many of the most prominent Puritan leaders in England subscribed to its funds. Lords Warwick, Brooke, Saye and Sele, Sir Benjamin Rudyerd and Sir Nathaniel Rich were all actively interested, while John Pym, who was coming to have great influence, was the treasurer and prime mover. At one time it seemed likely that John Winthrop would join in the Providence rather than the Massachusetts scheme, and it is certain that Oliver Cromwell seriously considered emigrating under its auspices.[1] The promoters had the same purpose as John White, "to plant the true and sincere Religion and worship of God", but they associated it with the incompatible Elizabethan project of attacking Spain in the centre of her power in the Indies. The first colonists came under the leadership of Governor Philip Bell from Bermuda where the profits of the tobacco plantations would not provide a living. At the expense of the English promoters they were transported to the small islands of Old Providence and Henrietta off the coast of Nicaragua, and later colonists were also settled in the island of Association or Tortuga off the north coast of Hayti. There they started planting under the usual West Indian conditions, but the venture was unsuccessful from the start. The islands lay in the jaws of the Spanish power, and the settlers had to direct their main attention to defence and not to the production of foodstuffs and marketable commodities. Providence and Tortuga became nothing but buccaneering strongholds from which English and Dutch rovers preyed upon Spanish commerce, and ultimately the scandal became so serious that strong forces were sent to clear the islands and destroy their fortifications. Tortuga was cleared of Englishmen in 1635, but it was reoccupied by French rovers soon afterwards. It was the first place in which Englishmen

[1] See Newton, A. P., *Colonising Activities of English Puritans, passim.*

began the industry of logwood cutting that was to be so important later in the century. Providence was captured by the Spaniards after severe fighting in 1641, but it left memories that were recalled when Cromwell was planning his "Western Design" in 1654–5. The only permanent results of the venture lay in the relations that were opened up with the Moskito Indians on the mainland. These gave England her first direct interest in Central America, and began a connection that continued until 1850. The Providence Company was an interesting hybrid; sprung directly from the old Warwick-Smythe party in the Virginia Company it manifested Elizabethan ideas of colonisation; it was also the last of the chartered companies of the early Stuarts; infused with the Puritan theocracy of New England, it was also a forerunner of the aggressive Protestant imperialism of the Interregnum. It carries us back appropriately to the point at which we left Virginia, immediately after the revocation of the Company's charter.[1]

The Privy Council was faced in 1624 with an unprecedented difficulty, that of directly governing a dependency at least two months removed from the metropolis yet accustomed for years to look for detailed instructions and support from English sources. The authorities were at first resolved to make their control as close as that over Ireland, and on 13 May 1625 Charles I proclaimed his policy "that there may be one uniform Course of Government in and through all Our whole Monarchy".[2] It was clear that the Privy Council could not pay attention to all the details of management, and a special Commission was appointed to regulate Virginian affairs. The proclamation promised that the Crown would maintain "those public Officers and Ministers, and that Strength of Men, Munition and Fortification that shall be fit and necessary for the Defence of the Plantation". The colonists took this promise at its face value, and applied for the despatch of a royal force of trained soldiers and military engineers to assist them in a campaign against the Indian tribes, as the English army had been employed in the Irish wars.[3] But no such help was forthcoming, for the war with Spain was just beginning, and there was not a man or a penny to spare. Within a short time the Royal Commission for Virginia ceased to function, the stream of detailed instructions dwindled, and the direction of policy in Virginia became mostly an affair for the governor and his local council with only occasional interference from England. After long delay the Crown provided £1000 a year to pay the governor's salary out of the Virginia customs, but otherwise little or no assistance was given.

In one respect the policy outlined in the proclamation of May 1625 was thenceforward generally adhered to. The government of the colonies was immediately to depend upon the Crown "and not to be committed to any Company or Corporation, to whom it may be

[1] *Vide supra*, p. 152. [2] Rymer, *Foedera*, XVIII, 72–73. [3] Osgood, III, 77.

proper to trust Matters of Trade and Commerce but cannot be fit or safe to communicate the ordering of State Affairs, be they of never so mean Consequence". After 1625 save in the exceptional cases of the Guiana, Massachusetts Bay and Providence Companies no further charters to colonising corporations were issued by Charles I, but a new form was employed. Henceforward, except in New England, colonies established on a grant made to an individual lord proprietor became the general rule. This type of patent was first employed in the grant to Sir George Calvert of a part of Newfoundland, and its application to colonisation may very probably be attributed to his invention.

In a previous chapter it was stated that when Guy's Company found itself unable to exploit its lands it disposed of its rights over certain tracts to various projectors of colonising schemes.[1] Among them was Sir George Calvert, who, as one of the Secretaries of State, had been concerned with colonial policy and held similar views to those of Bacon as to the strategic importance to the kingdom of establishing a colony in Newfoundland. His first practical attempt was in the plantation of confiscated Irish lands round Baltimore in Munster, and in 1621–2 he began to send out colonists at his own expense to settle the area in Newfoundland that he had purchased. In 1623 he procured from the Crown a charter granting him full proprietary rights over a region to be named the Province of Avalon with palatine jurisdiction similar to that in the Bishopric of Durham, a provision that anticipated by four years any other proprietary patent. Calvert was unable to do very much to carry out his schemes until after his resignation of the secretaryship, but in 1627 he paid a short visit to the island and in 1628 took out his wife and family with several colonists, intending to reside there permanently. Like other attempts the project was thwarted by the hostility of the fishermen and the severity of the climate, and after one season Calvert determined to abandon Newfoundland and begin again further south.

Meanwhile the system of proprietary grants was being employed to provide for the government of the new English colonies in the West Indies whose genesis we considered earlier.[2] The 1623 patent for the Province of Avalon apparently provided the model for the various patents issued in 1627 to the Earl of Carlisle as Lord Proprietor of the Caribbee Islands and to the Earl of Montgomery for his Provincia Montgomeria. When Virginia became a royal province in 1624, the unoccupied lands within the original grant legally passed back into the hands of the Crown and were available to be granted afresh. But the colonists contested this view, and maintained that the corporate right to the whole area stretching 200 miles north and south of Point Comfort and an indefinite distance inland was vested in the resident community in Virginia and not in the dispossessed London Company. In their contention unsettled

[1] *Vide supra*, p. 90.

[2] *Vide supra*, pp. 143–5.

lands throughout the whole area could be granted only through the colonial government and the province which later became known as the "Old Dominion" was one and indivisible. But these claims were disregarded, and in October 1629 the Crown acceded to a petition from Sir Robert Heath, the Attorney-General, for the grant of rights to establish colonies at his own expense in portions of the lands originally assigned under the Virginia charter of 1609. The area granted to Heath lay to the south of the settlements along the James River, and he projected a colony there to be called "Carolana", but nothing was done to carry his project into effect, and ultimately he disposed of his rights to certain London merchants. It was not until after the Restoration that any effective settlement took place in the region and then it was under fresh proprietary grants.

Calvert, who was created Lord Baltimore in 1625, had petitioned for a grant of unoccupied lands in Virginia while he was still in Newfoundland and visited James Town about the time when Heath received his patent. He was naturally regarded with hostility by the Virginians, and they got rid of him by tendering the oath of supremacy which as a recent convert to Roman Catholicism he refused to take. For three years they succeeded in preventing any grant to him and meanwhile the governor and council furthered the settlement of William Claiborne, one of their number, in the region for which Baltimore had applied. It was not until after his death in April 1632 that his suit was successful and a patent was issued to his son Cecilius Calvert, second Lord Baltimore, for the colonisation of Maryland including the lands on the north of the Virginia settlements up to the 40th parallel, the southern boundary of the territory granted to the Council of New England. The claims of Virginia were formally rejected in 1633, but a long contest began between Claiborne and Baltimore's colonists that embittered the relations of Virginia and Maryland for many years.

The proprietary patents that began with Calvert's Avalon grant in 1623 and continued down to 1629, when the province of Maine was granted to Sir Ferdinando Gorges, were generally similar in their provisions, and they may be most appropriately studied in Baltimore's Maryland patent of 1632 since that alone remained in effect until the eighteenth century.[1] The colonies established by chartered companies were in a sense proprietary, but they derived from the precedents of trading corporations and the relations between the grantees and their colonists were only industrial and political. The essential features of the true proprietary colonies were on the other hand feudal. The rights of the grantees were expressly stated in the patents to be modelled on those of the Bishops of Durham in their county palatine. All land was to be held directly or indirectly of the lord proprietor as the feudal superior and he was endowed with full seignorial rights.

[1] See Osgood, vol. III, chaps. i–iv.

The detailed arrangements that were developed in each proprietorship naturally varied according to circumstances, and in no instance were they an exact reproduction of their English original. Their type was fundamentally the same, but each province, owing to diverse social and political forces, filled in the outline in its own way, and the development of government in the Caribbee Islands produced a result differing at least as widely from Maryland as that colony differed from its neighbour, Virginia. The lord proprietor was a tenant-in-chief and held his province of the King like a private feudal estate. It was subject to the King's sovereign control and all the inhabitants owed allegiance to him, but titles to land were derived, not from the Crown as elsewhere, but from the proprietor. He was empowered to establish courts and appoint all officers necessary for the execution of the laws, and was authorised to legislate for the province through an assembly of freemen, to issue ordinances of government under his seal, to execute justice and to grant pardon. In fact in almost every respect the lord proprietor was a petty sovereign within his province which was *imperium in imperio*; his estate was heritable like any other fief, and since his powers were derived, not from the province or its inhabitants but from the overlord, it was theoretically impossible for him to be called to account by the settlers within his domain. This system was infinitely removed from the democracy of the New England commonwealths, but in practice its institutions rapidly developed in a democratic direction. The pioneer conditions of the New World were unfavourable to the exercise of aristocratic or autocratic power, and the lords proprietors both in Maryland and the Caribbees were more anxious to develop the material prosperity of their colonies and to attract settlers than to insist on legal forms. Thus from the first, as elsewhere in the outer Empire, the power of the elected Assemblies increased while that of the proprietor diminished. But while the rule of a chartered company could be terminated by a single act, the rights of a proprietor could not be extinguished without expropriation or revolution.

In one respect Maryland was unique among the colonies, for it was the only region in the Empire governed by a Roman Catholic proprietor and in which Roman Catholics were in the full exercise of political power. Toleration in Rhode Island had come as a matter of principle from the theological teaching of Roger Williams, but in Maryland it was adopted by Cecilius Calvert for practical convenience to assist the material progress of his colony by including any suitable emigrant whatever his religious beliefs. In the early years there was a Roman Catholic majority in the Assembly, but gradually the Protestants came to preponderate without any alteration of religious policy. At one time certain Jesuit zealots attempted to press restrictive measures upon the proprietor, but he refused point-blank to allow religious aims to interfere in civil affairs, and it was

not until the Interregnum that invading Puritan zealots from New England were able to destroy the practice of toleration for a time and to exclude all Catholics and Anglicans from political power. With the Restoration the Independent bigots were expelled and the colony regained its original comprehensiveness.

We now return to Barbados and the Leeward Islands to consider the steps taken to establish the proprietary governments under the Earl of Carlisle's patent of 7 April 1628 procured in the circumstances mentioned earlier.[1] The new grant largely increased the lord proprietor's opportunities of personal profit both at the expense of his rival Sir William Courteen and of the planters. His purpose of excluding other competitors achieved, he took no further active part but at once handed over to his merchant associates complete authority to manage the business, of which they availed themselves to the full. Captain Charles Wolverston, who had been one of the early planters in the Bermudas, was commissioned as Governor of Barbados and sent out with some eighty colonists. Since he professed entirely friendly intentions, Courteen's settlers made no objection to his landing, but when a couple of months later he had established himself securely, he suddenly produced his commission as governor for the Earl of Carlisle, nominated a council and demanded submission to his authority. After some show of force the original settlers surrendered,[2] and trusting in the promise of the Carlisle party that they "should continue in their former freedom without being a colony", they agreed to pay the heavy dues upon their produce that were assigned to the lord proprietor under his new patent. As soon as the news of these proceedings reached England, Montgomery and Courteen resolved to despatch a new force to protect their rights. The command was entrusted to Henry Powell, the brother of the first commander in Barbados, and at the end of February 1629 he landed there, seized Wolverston and some of his officers and re-established his nephew, John Powell the younger, as governor. He confiscated the tobacco and stores of Carlisle's colonists and sailed back to England, taking with him Wolverston and others as prisoners in irons.

While this was happening in the colony, the rival claimants in England carried their dispute to the King. Since it was concerned with the interpretation of conflicting grants issued under the great seal, it ought properly to have been tried in the courts of law, but Charles arbitrarily exerted his authority in the interest of his favourite, and merely referred the matter for an informal hearing before the Lord Keeper Coventry. His report[3] pronounced generally in favour of Carlisle's claims, but it bore indications that the decision was given under pressure and against the Lord Keeper's better judgment. Royal orders were at once despatched to Carlisle's representatives in Barbados to secure obedience, and the managers of the syndicate

[1] *Vide supra*, p. 145. [2] September 1628. [3] 28 April 1629.

sent out Captain Henry Hawley to recapture the island. Though the Courteen party refused to allow him to land, Hawley treacherously persuaded Powell to come aboard his ship for a conference and then seized and confined him. With the governor in his hands Hawley had no difficulty in bringing the planters to obedience, and in August 1629 the whole island passed finally under Carlisle's rule and the expropriation of Sir William Courteen was complete. For many years he and his heirs attempted to secure redress in the English courts and from Parliament, but they could get no more satisfaction than did many of the merchants who had incautiously expended money on behalf of the spendthrift earl.[1]

Things had at first gone more smoothly in the Leeward Islands, where Thomas Warner held the governorship for the lord proprietor. By 1629 there were about 3000 settlers in St Christopher and large cargoes of tobacco were sent home. The English occupied the middle of the island with the French at either end, while one Anthony Hilton had begun planting in the neighbouring island of Nevis. Some of the planters held leases from the Earl of Carlisle for which they paid rents in tobacco, but the best plantations were owned by absentee landlords who were wealthy London merchants like Maurice Thompson and Sir Samuel Saltonstall, who also had interests in Virginia and New England. The estates were cultivated by white indentured servants sent out and maintained at the merchants' expense, and by far the greater part of the profits on the magazines exported for sale to the planters and the cargoes sent home went into the pockets of English capitalists. There was thus from the beginning a radical difference between the islands and the self-contained northern colonies who had no profits on their labours to pay to outside capitalists.

In the latter part of 1629 Warner received the reward of his services to the Crown and the lord proprietor by royal appointment as Governor of St Christopher for life with full power over the colony subject to ratification by the Earl of Carlisle. Many of the provisions of the grant seem to be modelled on those commonly included in the commission of the governor of a fortress, and this appears reasonable enough when we realise that such an outpost as St Christopher was regarded by the Spaniards as a patent menace to their Caribbean preserves. If Spain had had the power, there is no doubt that she would have used it earlier to clear out the English intruders, but her resources were so exhausted that it was not until six years after the first settlement that Philip III was able to give orders for the attack. France and England were at war, but in the West Indies their interests as intruders in territory claimed by Spain were identical, and repeated treaties were made between the French and English governors in St Christopher to preserve peace between their settlers. The long-

[1] See Williamson, *Caribbee Islands*, pp. 62–3 *seqq.*

expected blow fell in September 1629 while Warner was away in England. The heavily armed outward bound Mexican fleet under Don Fadrique de Toledo first appeared off Nevis and compelled its surrender. The crops were destroyed and the settlement burned, and the attack was then directed against St Christopher. The English and French joined forces to defend themselves, but they were outnumbered and could make only an ineffectual resistance. Some of the settlers fled to the hills, but many hundreds of prisoners were taken and both the English and French settlements and plantations were devastated. However the Spanish victory was barren of lasting results, for as soon as Toledo's fleet had departed, the fugitives came out of their hidingplaces and at once began to restore their ravaged plantations. Circumstances had entirely changed since Menendes's vindication of Spain's colonial monopoly in 1569, and now English, French and Dutch settlers streamed into every unguarded island and could not be dammed out. It was as though trickles were pouring in through a score of leaks between the opened seams of some outworn vessel, and though the Spaniards were able to stop here one leak and there another, they could not close them all, and as soon as they had finished anywhere and passed on, the intruders streamed back as fast as ever. Any effective defence required strong and well-armed squadrons cruising almost continuously, and these Spain could neither provide nor maintain. The period of Spanish monopoly in the islands was clearly over, and the West Indies became the cockpit of a struggle between the maritime Powers that was to last until the time of Nelson.

Warner returned from England in 1630 to find St Christopher devastated, and he at once entered upon his difficult task of restoring the colony to prosperity. From thence onward until his death in 1649 he remained undisturbed in his governorship. To him is undoubtedly due the chief credit for establishing the English possession of the Leeward Islands on a firm basis. The French had suffered much more than the English in the Spanish raid, and for some years their quarters in St Christopher were only sparsely occupied, but Warner apparently thought it advisable not to attempt to dispossess them, and the island remained divided between the settlers of the two nations with only minor troubles. For many years Warner persistently followed the policy of planting unoccupied islands with English settlers, and St Christopher and Nevis thus became in a very real sense a seed-bed for colonising enterprises in the West Indies.[1] Antigua was firmly planted between 1634 and 1636, and Montserrat about the same time, but those colonies remained very weak for more than twenty years. In other islands, notably Santa Cruz and St Bartholomew, Englishmen were competing with French and Dutch settlers for possession, but no permanent plantations were effected.

[1] See Williamson, *op. cit.* pp. 94–5, 150–3.

The influx of immigrants into the various islands, especially Barbados and St Christopher, between 1630 and 1640 was enormous in comparison with their limited area, and every scrap of cultivable ground was occupied. Despite the excessive mortality that resulted from ignorance of the means of living under tropical conditions, by 1639 there were probably more than 1000 proprietors in Barbados and a total population that is said to have amounted to 30,000 persons.[1] In St Christopher and Nevis there may have been as many as 20,000 by 1640 and all the evidence proves that the islands were very densely populated and that the struggle for existence was severe. There was therefore constant unrest among landless men and readiness to re-emigrate in search of better conditions.

The first Lord Proprietor of the Caribbees died in 1636 after conveying almost the whole of his property to trustees to protect it from his many creditors. During the period of his rule there had been practically no interference by the Privy Council with the affairs of the islands, and Carlisle, or rather the syndicates who sheltered themselves behind him, was left unhindered to make the utmost profit out of the planters. From 1635 to 1642, however, there were incessant quarrels between rival claimants to the proprietorship, and the colonists took advantage of them to secure what freedom they could. In 1639 the Earl of Warwick tried to find profit in these dissensions. He had bought up the Earl of Pembroke's derelict rights and with the aid of men from Bermuda and Providence was attempting to establish settlements in Tobago and Trinidad; he endeavoured to get possession of Barbados through the governor, Captain Hawley, and to persuade many of the planters there to move to his new plantations. Hawley was dismissed from the governorship of Barbados by the trustees of the late lord proprietor, but acting, as he claimed, under Warwick's orders he seized the government again and refused to allow the new governor to enter. In order to secure the support of the settlers he summoned a representative Assembly for the first time, "chose burgesses and settled a parliament or in a parliamentary manner as he termed it".[2] Thus at a time when no Parliament had sat in England for ten years, Warwick, the leader of the party that was striving for its revival, furthered popular election among the colonists after the fashion of the continental colonies in order to secure their support.

During his governorship Hawley had been tyrannical and extortionate, and the burgesses of the Assembly found as great causes of complaint against him as against the holders of the proprietorship. But the calling of a representative body practically marks the end of proprietary authority in Barbados, and when Philip Bell, a client of

[1] See Harlow, V. T., *Hist. of Barbados*, 1625–85, Appendix B, for discussion of these figures.

[2] C.O. 1/10, no. 72, Huncks to Carlisle, 11 July 1639. Cited by Williamson, *op. cit.* p. 144.

Warwick's, came to the island as governor from Providence after its capture by the Spaniards in 1641, affairs were run in much the same way as in Virginia, viz. in accordance with the views of the richer planters, whose first considerations were always for their material prosperity and who desired autonomy because they found it cheaper.

As already remarked, the Home Government troubled very little with the affairs of the proprietary colonies, but the great outflow of emigrants from England after 1630 to New England and the West Indies became a matter of grave concern to the Lords of the Council both on economic and political grounds and led to the first serious attempts to provide an organisation for a general imperial control over the colonies. The economic side of the question being considered in a later chapter, our attention can be confined to political matters.

In the incessant constitutional controversy that filled the reigns of the first two Stuarts colonial affairs were at first made a battleground of the English political struggle. The Parliamentarians under the lead of Sir Edwin Sandys attempted to bring Virginian affairs before the House of Commons on the implied ground that the grievances of the colonists differed in nothing from those of subjects within the realm, and like them must properly be presented to the King in Parliament. But the Crown refused to accept this view and both in 1621 and 1624 definitely denied the competence of Parliament to consider colonial grievances. When Virginia became a royal province, the colonists preferred to consider their grievances in their own Assembly and present them by direct petition to the Crown rather than involve them in the welter of English disputes. There was no conscious adoption of a policy, but distance had already produced its inevitable effect in a separation of interests. The policy of the rulers of Massachusetts was, on the other hand, from the beginning, a conscious one of separation. After the violent dissolution of Parliament in 1629 it seemed as though the old constitutional rights of Englishmen had gone like those of France and Spain, and many of those who passed across the Atlantic were minded to save what they could of their ancient liberties from the peril of royal tyranny. The first ten critical years of the founding of the new colonies coincided with such an intermission of Parliament as England had never known before, and only beyond the ocean could men meet in constitutional assembly to debate their affairs. The effect was one of profound importance. The struggle for control that arose seemed to be one between free commonwealths wherein the ancient liberties had been preserved and an autocratic monarch ruling with irresponsible prerogative. Englishmen of the Opposition like Oliver Cromwell saw New England as a land of freedom, and some like Sir Henry Vane fled thither with high political hopes. The course of events differed widely from what was foreshadowed in 1629, but the ten years of personal government did

their work, and thenceforward the conception of America as the land of refuge against kingly tyranny was permanently rooted in the national consciousness.

The practical consequence of the intermission of Parliament was that the only organ of government to consider colonial affairs was the executive, i.e. the King with his personal ministers of the Privy Council who suggested or worked out his policy. It has been the tradition of colonial historians to attribute every governmental mistake in the colonial field to the incompetence or tyranny of James I or Charles I. In reality it seems certain that colonial affairs interested either very little save when they interfered with questions of high policy, as when North's Guiana enterprise obstructed James's designs for the Spanish match or the General Courts of the Virginia Company became a forum for the parliamentary opposition. Charles I's personal intervention in directly colonial affairs was usually confined to securing some profit for one of his courtiers like Carlisle. Some of his ministers, however, paid considerable attention to such matters, and more than once we can vaguely trace efforts to work out a policy, though nothing of the sort persisted until the next period when Warwick and others infused Cromwell with some of their colonial enthusiasm. The affairs of the rapidly growing outer Empire, in fact, secured little attention from English statesmen in their preoccupation with foreign policy and the absorbing constitutional struggle.

From time to time we find indications that small committees of the Privy Council were entrusted with special tasks in regard to the Plantations as they were for trade, and usually the committees for both matters had much the same *personnel*. But this was the customary way in which the Privy Council dealt with its executive tasks, and no committee had a continuing or separately organised existence. It was not until the menace to the policy of the Government of the nonconformity and separatism of Massachusetts became apparent that a special body was commissioned to supervise general colonial affairs. The impetus came from Sir Ferdinando Gorges who was stirred into action by the success of rival settlements in a region which he had vainly tried for years to colonise. In 1632, in conjunction with certain persons expelled by the Massachusetts magistrates, Gorges petitioned the Government for redress against the colonists, whom he and his protegés accused of having separated themselves from the lawful authority of Church and State and of intending to rebel against the King. The indictment was far too serious to be dismissed without careful enquiry by the Privy Council, and a committee was instructed to hear the evidence of the petitioners and to examine witnesses who could speak for the colonists. After a careful enquiry Gorges's petition was dismissed, but when in the following year Laud with his passion for legality and determination to enforce ecclesiastical discipline through-

out the realm became Archbishop of Canterbury, the matter grew more serious. His repressive measures at once accelerated the flow of Puritan emigration and he began to see in New England a dangerous centre of disaffection whither the malcontents in Church and State were fleeing to plot treason and heresy. A fresh enquiry into the provisions of the Massachusetts charter was begun, certain ships laden with emigrants were arrested for a time, and in April 1634 a permanent board of "Lords Commissioners for Plantations in General" was erected by patent,[1] with wider executive, legislative and judicial powers than had been entrusted to any body since the time of Henry VIII. Actually the membership was confined to Lords of the Privy Council of which the commission was nothing but a standing committee entrusted with the powers of the Council in a particular field.[2] A body of sub-commissioners composed of men of lesser rank but of special experience was appointed later by the commission to prepare matters for its decision or that of the Privy Council.[3]

The opponents of the Government saw in the commission a dangerous instrument of the prerogative and a new threat to their ancient liberties, and many men of high position and influence like Warwick began seriously to make plans to abandon England for good. The revolutionary temper was clearly rising, though eight years more were to elapse before the outburst. But Massachusetts, which saw in the commission an instrument directed against itself, had no reluctance to proceed upon a course that was one of rebellion in all but name. To the demands of the commission to produce the Company's charter for examination the governor and Assembly returned only evasive answers, and it became evident that they did not intend to obey. A suit of *quo warranto* was therefore begun in the King's Bench. But the whole machinery of the Company having been removed to New England where there was no means of enforcing judgment, judicial proceedings were futile. Only executive action could be of effect and the rapidly increasing domestic troubles made any such effort impossible.

Meanwhile other steps were being taken by the Archbishop and the Privy Council which indicated the policy they intended to adopt if they could find the means. The Council for New England had been moribund for some years, and in 1634 it was resolved on the suggestion of Gorges and Captain John Mason to surrender its charter and to divide the territories allotted to it between the surviving members in the hope that some of them would enforce their shadowy rights at their own expense. The terms of the surrender pointed to the proceedings of the Massachusetts colonists as the cause of the failure of the Council's schemes and practically accused them of rebellion. "They made themselves a free

[1] Rymer, *Foedera*, xx, 8–10. [2] Beer, *Origins*, pp. 313–14.
[3] See Andrews, C. M., *British Committees, etc., of Trade and Plantations*, 1622–75, pp. 18–20.

People...and framed unto themselves new conceits of Religion and forms of ecclesiastical and temporal Orders and Government, punishing divers that would not approve thereof...by banishing and the like."[1] The King announced his intention of appointing Sir Ferdinando Gorges as Governor-General of New England and giving him full proprietary rights over one of its provinces for his support, while John Mason was appointed Vice-Admiral of New England with full martial authority in those seas and also beyond into the South Sea "where lie California and Nova Albion", an interesting reminder that Drake's annexations had not been forgotten.[2] Mason died, however, before he could take up his commission and no successor was appointed. Gorges began to organise an armed expedition to establish his government, and if he could have secured proper support from the Crown, such as would have been forthcoming in normal times, there is little doubt that the American revolutionary war would have been anticipated by a hundred and forty years.

That anyone of influence in Massachusetts intended to claim complete political independence from England is unlikely, for that would have meant laying the colony open to attack by other European Powers. The implications of the course of policy they were pursuing had not been fully realised, and it was possible for their apologists to deny sincerely that "under the colour of planting a Colony they intended to raise and erect a seminary of faction and separation"[3], while others were writing thence that "they aimed at sovereignty and it was accounted perjury and treason in their general court to speak of appeals to the king".[4] It was neither the first nor the last time that revolutionaries in intent have tried to make the best of both worlds. However, the colony was determined to resist any attempt to suppress its charter by force of arms, and the years 1635 and 1636 were filled with preparations for defence. Forts and blockhouses were erected and the train bands armed and drilled, but the looked-for expedition never arrived, for Gorges could get no help, and his own resources were too depleted for him to do anything effective. The English Government had its hands full with the beginning of the troubles with the Scots and could spare no help to suppress colonial rebels beyond the Atlantic. Distance from the centre of the Empire was clearly the colonists' best defence, and only a stronger and more highly organised power than the distracted Government of Charles I could have done anything to curb the rapidly hardening separatist spirit in America.

With the outbreak of the Scottish war the power of the English Government to pay any attention to colonial affairs practically came to an end and England became wholly absorbed in the domestic

[1] Recs. of Council for New England in *Proceedings of Amer. Antiq. Soc.* (1867), p. 124.
[2] Dean and Tuttle, *Life of John Mason*, p. 347.
[3] *The Planters' Plea* (Force's *Tracts*), pp. 14, 44.
[4] Hutchinson, T., *Hist. of Mass.* I, 87.

struggles of her Puritan Revolution. In the history of the outer Empire the Civil War was as important a factor as it was in English history, but its action was wholly negative. For ten years or more each colony was practically isolated from outside interference and each continued its development in its own way. The only unifying influence was removed, and the factors working for differentiation had full play. Hence it is impossible to trace any connected story and we must confine ourselves to a few brief references to events that were contemporary but unrelated.

The flow of English emigration continued with little check down to 1641, but with the beginning of civil war in 1642 it rapidly dried up owing to the impossibility of finding transport. The great exodus that had carried at least 80,000 Englishmen across the Atlantic was over, and no efflux of such magnitude in comparison with the population was to be seen again until the nineteenth century. When the Long Parliament seized executive power, it directed some attention to colonial projects, but its plans were of a kind that was out-of-date, being concerned mainly with the design of establishing a West India Association on the lines of the Dutch West India Company to organise attacks upon the Spanish colonies.[1] Pym and others of the Providence Company were appointed to a parliamentary committee to examine the project, but they never reported. The interest of the incident lies in the link it affords with the Western Design of 1655.[2] Neither King nor Commons could spare much thought for colonial affairs, but since the Parliamentarians held London, which did by far the greater part of the colonial trade, they had a certain control over the customs on imports and exports. Hence any action they took was mainly concerned with economic matters.[3]

In 1643 the Earl of Warwick was appointed Governor-in-Chief and Lord High Admiral of all the English colonies in America with a standing council endowed with considerable powers.[4] But these powers were merely nominal, for it was impossible to enforce any orders of the council. Massachusetts flatly denied the legislative power of Parliament in the colony, for they maintained that "the laws of the parliament of England reach no further, nor do the king's writs under the great seal go any further. Our allegiance binds us not to the laws of England any longer than while we live in England".[5] In the other colonies the English struggle between Royalists and Parliamentarians was duplicated, though the points at issue were concerned more with local disputes than with any broader questions. Centrifugal forces were, in fact, in full play and everyone sought his own immediate interests.

In New England during this period of autonomy the most important event was the establishment of a confederation of the colonies

[1] Stock, *Debs.* I, 122–3. [2] *Vide infra*, p. 225. [3] Beer, *Origins*, pp. 343–6 *seqq.*
[4] Ordinance of 2 November 1643. [5] Winthrop, II, 352.

for defence against the Indians, the Dutch and the French. By 1640 the population of New England had grown to about 18,000, of whom nearly 14,000 were in Massachusetts, and while the flow of immigration continued the prosperity of the colonies seemed to increase by leaps and bounds. But with the cessation of the stream the boom collapsed, business came to a standstill and men found it so hard to make a living that emigration to the West Indies began and soon assumed proportions that were alarming to the authorities. Each of the colonies during the boom had been expanding into the interior as fast as it could, but with the crash the dangers with which they were faced from their neighbours looked more menacing than the advantages to be derived from any increase of territory. Massachusetts had made repeated attempts to bring the smaller colonies under her control, but they had always withstood her, and when in 1643 she expressed her readiness to recognise their independence and to agree to Articles of a Confederation for common defence, in the council of which each colony was granted equal representation, they were willing to accept. "A firm and perpetual league of friendship and amity for offence and defence, mutual advice and succour" was established,[1] and a board of commissioners was set up to consider matters of mutual interest and to determine all military questions, each colony supplying the forces required from it. The existence of any authority in England was completely ignored, and the "United Colonies of New England" arranged the confederation entirely between themselves by diplomatic negotiations like independent states.

In Virginia the general tendency during the Civil War was to favour the royalist cause, but no effort was made to give active support to the King's forces. Advantage was taken of the downfall of external authority to free the colony from restrictive commercial regulations and to enter into active trading relations with the Dutch, who were beginning to supply negro slaves in considerable numbers. This remedied the scarcity of white indentured servants and had an important effect upon the plantation economy of the colony.[2] The troubles in England drove abroad numbers of those who disliked the Puritan *régime*, and Virginia welcomed many emigrants of a much better social position than those who had come to her shores as indentured servants. But on the other hand the royalist government of the colony drove many Puritans away, and in the year 1649 more than a thousand persons left Virginia to settle in Maryland. The colony was, however, so firmly established that it could support these defections. The contrast between its condition during the Civil War and its earlier years is marked by the way in which it met a second Indian massacre. The disaster of 1622 had nearly proved fatal, but

[1] Newton, A. P., *Federal and Unified Constitutions*, pp. 50–6.
[2] Bruce, P. A., *Economic Hist. of Virginia in the Seventeenth Century*

in 1644 when the Indians rose again and slaughtered more than 300 persons in the frontier settlements, no serious check to Virginia's general prosperity resulted. The Indians were driven entirely out of the lower part of the colony, and thenceforward its development was unhampered by troubles with the savages except upon the frontier. In Maryland the troubles between the Puritans and the Roman Catholic proprietors led to two years of civil war in 1645 and 1646, but the struggle exercised little influence on affairs outside the colony.

In Newfoundland the period was marked by the final disappearance of all those who in earlier years had attempted to establish colonies of permanent residents, by the increase of French interests in the island and its fisheries, and by the beginnings of a permanent settlement of Englishmen. We showed earlier how Lord Baltimore established himself at Ferryland in the Province of Avalon in 1628–9, but abandoned the island after a season's stay. In all probability a few isolated settlers remained behind, but they were quite unorganised, and it was not until ten years later that another attempt at systematic colonisation was undertaken. Sir David Kirke, it will be remembered,[1] had been deprived of his conquest of Canada after the Treaty of St Germain-en-Laye in 1632. In 1638 James, Marquis of Hamilton, and others secured from the Crown a patent granting to them the whole island of Newfoundland, including the Province of Avalon, as "Lords Proprietors and Adventurers." This syndicate was organised by Kirke and he went out to the island with a company of settlers mostly from the west country to assume the government. He occupied Baltimore's deserted buildings and thence began to enforce order and exact licence dues from all fishermen landing on the coast. By 1640 Sir David had fallen out with the Lords Proprietors and they attempted to replace him as Governor, but he refused to budge, and for ten years he ruled the island as he thought fit, entirely disregarding any authority other than his own. Protests were made against his proceedings by the fishing merchants, but it was not until 1651 that any effective action could be taken, when Kirke was compelled to return to England to answer for his arbitrary actions before the Council of State. However, his settlers remained and it is certain that the residence of an English community in Newfoundland can be traced continuously from 1638 onwards and is to be associated with the work of the Kirke family.

During the time when the sequence of regular fishing voyages from the English ports was interrupted by the Civil War, ships and merchants began to find bases for their operations in the New England ports and an active commerce sprang up. Ships from Boston or Rhode Island began to carry flour and meat to St John's to sell to the Newfoundland fishermen and there to freight their vessels with fish and train oil

[1] *Vide supra*, p. 155.

for sale in the ports of southern Europe. The circumstances of the trade are obscure, but there is no doubt that during the Civil War that association began between the commerce of Newfoundland and New England which was to be of such rapidly increasing importance after the Restoration.

In the Caribbean colonies the interval between the outbreak of the Civil War and the execution of the King was a mere prologue to the events of the Protectorate and was most remarkable for the beginnings of a complete change in the economic interests of the colonists. The introduction of the sugar industry set the West Indian colonies on the path to a prosperity that made the "Sugar Islands" the greatest prize in the wars of the following century, but the consideration of the changes that ensued belongs to a later period of their history.

CHAPTER VI

INTERNATIONAL LAW AND THE OUTER WORLD, 1450–1648

THE fifteenth century marks the culminating period in the age of discovery which had commenced three centuries previously, and which with the year 1492, when Columbus discovered America, entered upon its most important stage. The previous centuries had been of little, if any, interest to England in this respect, though Spain and Portugal were adding vast areas to their respective Crowns. Gradually and by slow stages the coast of Africa had been discovered, and in 1486 Bartolomeu Diaz, the Portuguese navigator, had rounded the Cape of Good Hope, the "Tempestuous Cape". Six years after the voyage of Columbus to America, Vasco da Gama reached India, and anchored off Calicut on 20 May 1498. Spain and Portugal had thus been steadily expanding their possessions, and they had obtained a title or recognition of their title to their new dominions by papal grants or bulls. Popes had claimed in the time of the Crusades to dispose of lands inhabited by infidels, though this claim was not conceded by all writers. However, in 1344 Clement VI granted the Canary Islands to Luis de la Cerda on condition that they were converted to Christianity; in 1454[1] and 1455[2] Portugal received from Nicholas V the exclusive right as against Spain to trade and acquire territory south of Capes Bojador and Não (Nam or Naon) through and beyond Guinea, with power to conquer all barbarous nations, and all the faithful of Christ, secular or lay, no matter what their condition or nation, were prohibited from trading there or entering those seas. Alexander VI by the famous bull *Inter caetera* of 4 May 1493 granted to Spain all islands and mainlands not possessed by Christian princes to the west and south of a line drawn from the North to the South Poles at 100 leagues towards the south and west of the Azores and Cape Verde.[3] Between 1455 and the issue of the bull *Inter caetera* there were serious controversies between Spain and Portugal, the former claiming Guinea, notwithstanding the papal decree; a compromise was effected whereby Guinea, the Azores and Cape Verde Islands were recognised as Portuguese, while Portugal acknowledged

[1] The bull *Romanus pontifex*: text in Davenport, F. G., *European treaties bearing on the history of the United States to* 1648, p. 9.

[2] The bull *Inter caetera* (Calixtus III), Davenport, p. 27.

See on these bulls Bollan, W., *Coloniæ Anglicanæ Illustratæ* and the bibliography given by F. G. Davenport under the headings of each bull in the collection. For the history of the line of demarcation see also Bourne, E. G., *Essays in historical criticism*, p. 193; Harrisse, H., *Diplomatic history of America*.

[3] See Davenport, p. 79, and Linden, H. Vander, "Alexander VI and the Demarcation of the Maritime and Colonial Domains of Spain and Portugal," *Amer. Hist. Rev.* (Oct. 1916), XXII, 1–20.

Spain's right to the Canaries, and this compromise was confirmed by Sixtus IV in 1481. The line drawn by the bull *Inter caetera* was modified in favour of Spain by another bull of the same year, 25 September 1493, and subsequently a new line was agreed to by the two monarchs by the Treaty of Tordesillas in 1494, when Portugal obtained from Spain the concession that the line, instead of being 100 leagues west of the Cape Verde Islands, should be 370 leagues[1] west and provisions, which were never executed, were made for determining the position of this line. Julius II confirmed this treaty by a bull of 24 January 1506.[2] These lines become of importance later on as part of the "lines of amity" beyond which treaties with Spain and Portugal lost their force. Thus to Spain by papal decree and treaty was assigned the western hemisphere with the exception of Newfoundland and Brazil.

It does not appear that at the time any monarch protested against this division and allocation of newly discovered territories, though theologians such as Victoria and the great missionary Las Casas refused to admit the papal claim to dispose of lands belonging to barbarians. Certainly, the King of England raised no protest, and on a Portuguese embassy coming to Edward IV in 1481, the object of which was the confirmation of the "ancient leagues" of Portugal with England and the recognition, by Edward, of Portugal's title under the papal bull to her West African possessions, the English King acceded to the King of Portugal's requests and in 1482 concluded a treaty. But opposition to the claims of the Iberian Powers based on papal grants was soon forthcoming. Henry VII, though busy consolidating his kingdom, was at first averse from oversea adventures, yet in 1496 he granted a petition preferred by John Cabot, a Venetian citizen, and his three sons, praying the Crown to sanction a voyage in search of unknown countries beyond the ocean in northern latitudes, and a charter granted at the same time authorised the grantees "to navigate in any seas to the east, north or west, and to occupy and possess any new found lands hitherto unvisited by Christians".[3] Whether there was an intentional disregard of the papal division of the newly found lands between Spain and Portugal is not clear; the omission of any reference to the southern seas, the only ones so far entered by Columbus, suggests that the King had no desire to raise the question.

By the middle of the next century not only English, but French and Dutch, navigators were found disputing the claims of the Iberian Powers under the papal bulls, and Protestant monarchs and writers such as Grotius denied that the Pope had any authority to divide newly found lands, or to give away countries which did not belong to him. We shall see, therefore, that the papal grantees soon fell back upon other grounds for the validity of their title, the chief of which was that of prior discovery. Thus Mendoza, Philip II's ambassador,

[1] Davenport, p. 84. [2] *Ibid.* p. 107.
[3] Williamson, J. A., *Maritime Enterprise*, 1485–1558, p. 53.

when complaining of Drake's expedition, based his claim on discovery. Elizabeth's reply denied the title of the donation by the Bishop of Rome as well as that based on mere discovery, contending that the latter title needed completion by some definite act of settlement. "For that their [the Spaniards'] having touched only here and there upon a coast, and given names to a few rivers or capes, were such insignificant things as could in no ways entitle them to a propriety further than in the parts where they actually settled and continued to inhabit."[1] James I continued the policy of Elizabeth. He, moreover, enjoyed the advantages of the newly born literature of international law in the Protestant interpretation of the law of Nature and nations. Thus in granting the first charter of Virginia in 1606 he empowered the grantees to "make habitation, plantation and to deduce a colony" on lands and islands which are "either appertaining to us, or which are not now actually possessed by any Christian prince or people".[2] So too in the charter of the New England Council of 1620 the grant is made of lands where there are "no other the subjects of any Christian king or state by any authority from their sovereigns, lords or princes actually in possession of any of the said lands", and thanks are given to God "for his great favour in laying open and revealing the same unto us, before any other Christian prince or state".[3] The concern of the monarch was only with the possession of the territory by any Christian king or State. The fact of the territories in question being inhabited by others than such subjects is immaterial to the title. The charters assume the absence of settlers of Christian princes and do not assist in the solution of the question whether discovery could be relied on as a basis of title. There was in fact no international law to which appeal could be made; Roman law was certainly not conclusive on the point, even if it can be said to be applicable at all. *Res nullius* could be acquired by occupation, but could a country inhabited by people organised into a political society be compared to a chattel? As between the members of the Catholic Church yielding allegiance to the Pope, it may well be that papal grants should suffice as a root of title, but with Protestants it was otherwise, and even for the Catholic Powers, some other basis was sought, and out of the dispute, based often on abstract and contradictory principles, arose the doctrine which later found its way into international law under the name of occupation involving the planting of settlements. Discovery was held to confer at most an inchoate title "to be completed by occupation within a reasonable time".[4]

No definite rule appears to have developed by the middle of the

[1] Camden's *Annals*, year 1580. Cited by Twiss, Sir Travers, *The Oregon Question*, p. 161.
[2] Macdonald, W., *Select Charters*, p. 2.
[3] *Ibid.* p. 25.
[4] Westlake, J., *Collected Papers*, p. 161. For bibliography see Fauchille, P., *Droit international public*, t. 1, 2e partie, § 534.

seventeenth century as to what constituted sufficient occupation after discovery. Spanish operations usually consisted in a formal act and declaration of occupation made before civil and religious authorities, but there was no publication to the world. In fact secrecy was the rule, not publicity. The discoverer wished to keep the newly found lands to himself; there appears, therefore, to have been no need felt for a definite assertion of sovereignty with a publication of the fact. So long as agents of the State remained on the territory no difficulty would arise, for where they were, there would be the national flag, the symbol of the State's sovereignty. It is probably the truth to say that down to the time of Vattel (1758) there was no necessity recognised for effective possession in order to give a title by occupation. But in this matter, as in many others, States laid the emphasis sometimes on discovery, sometimes on occupation, as best suited the exigencies of the moment; nor, as Westlake points out, is there any State "which has maintained a perfectly uniform attitude on the questions of detail into which the general question resolves itself".[1] It was natural that Spain and Portugal should emphasise discovery as a root of title, and that England, France and Holland should require not only discovery but effective occupation by settlement.

The case of St Lucia which occurred at the end of the period under consideration raises interesting questions regarding the settlement of newly discovered lands, and the abandonment of the same. In 1639 an English colony settled in the island of St Lucia, but was exterminated by the Caribs in the following year. Ten years elapsed and then a French colony was founded by royal charter, the English in the meanwhile having done nothing to re-establish themselves in the island. In 1664 the settlers were attacked by Lord Willoughby and driven to the mountains where they remained until he withdrew after three years, when they reoccupied their lands. At the Treaty of Utrecht the island was viewed as a neutral island in possession of the Caribs, so that probably this settlement had either died down or shared the fate of its English predecessors. During the negotiations for the Treaty of Paris, 1763, the French laid claim to the island and urged that the English had abandoned it and that it was therefore vacant in 1650 when their colonists took possession. The island was by this treaty assigned to France. It is generally agreed that the French contention was sound, that the inactivity of England for ten years was sufficient to justify the assumption of the abandonment of the island.[2]

During the negotiations for the Treaty of Cateau-Cambrésis of 3 April 1559 between France and Spain a question which was later to prove of the greatest importance to England was discussed. The French claimed the right to go to the Spanish Indies, the Spaniards

[1] Westlake, p. 161.

[2] Phillimore, *International Law*, vol. I, § 241; Hall, W. E., *International Law*, § 34; Oppenheim, L., *International Law*, vol. I, § 247.

resisted and based their claims to a monopoly on the grants of Alexander VI (*Inter caetera*), 1493 to Spain and of Julius II (*Ea quae*), 1506 to Portugal, and also on the ground of discovery.[1] In the end the matter was excluded from the treaty and an oral agreement was arrived at limiting the operation of the treaty to the east of the prime meridian and the north of the tropic of Cancer. These were to be the "lines of amity", beyond them "might should make right and violence done by either party to the other should not be regarded as a contravention of treaties".[2] The French and Spaniards subsequently disagreed as to the situation of the prime meridian; the latter recognised what corresponded roughly to that set forth in the Portuguese demarcation line of the bull of 1454 and the Spanish line of the bull of 1493. When James I came to the throne he was anxious to make peace with Philip III of Spain and the Treaty of London was concluded between the two monarchs in June 1604. The question of the exclusion of Englishmen from the New World was raised, as it had been with the French, and again the treaty failed to settle the question. The Spanish contention was that, as the "Indies were a new world", the doctrines applying to the Old World did not apply; this accorded with the principle that treaties did not apply beyond the "lines of amity". In practice, James and his successors adopted the principles which had been contained in the instructions to the English negotiators four years previously, that only places which were actually planted by the Spaniards in the New World should be immune from settlement. As has been already seen, the charter of Virginia and the other early charters to the New England colonies granted the colonists rights over portions "not actually possessed by any Christian prince or people". Against this charter Spain protested in 1609.[3] Since 1559 the French and Spaniards had fought beyond the "line", without any violation of the treaty of that year, and Henry IV, speaking of the treaty of 1604, hoped that the English would continue to do as his subjects had done.

In the end an ambiguous phrase was used in the article which provided for general intercourse between the subjects of the two contracting Powers,[4] that there should be free commerce between them "both by land, by sea and fresh water in all and singular their kingdoms, dominions, islands, other lands, cities, towns, ports and straits of the said kingdoms and dominions, *where commerce existed before the war, agreeably and according to the use and observance of the ancient alliances and treaties before the war*". The form of words is generally similar to that of older treaties which refer to the terms contained in the *Intercursus Magnus* of 1496,[5] under which freedom of intercourse is provided for the subjects of the English and Burgundian rulers. Henry VII

[1] Antunez de Portugal, *Tractatus de Donationibus*, II, 53; Nys, E., *Le droit international et le droit politique, la ligne de démarcation d'Alexandre VI*, t. I, p. 193.
[2] Davenport, p. 220. [3] *Ibid.* p. 260. [4] *Ibid.* p. 256.
[5] Rymer, T., *Foedera*, XII, 583.

in granting the charter to the Cabots may well have interpreted the phrase as only limiting his grantees to occupy places not actually in the possession of the King of Spain, but otherwise allowing for freedom of intercourse, and in the Elizabethan period of expansion a like freedom of intercourse was claimed under this and similar treaties. The Spanish view throughout the period was clearly that the treaties of mutual intercourse were operative only within the "lines of amity" and that the proceedings of the English seamen in the New World were attempts to obtain by force what English statesmen contended was theirs by right. The Spanish kings were not prepared for many years to admit that any other States had rights of occupation or trade within the territories they claimed under papal bulls and discovery; at the same time neither they nor the English and French were desirous of treating as acts of war the forcible proceedings of the northern seamen in attacking and capturing the riches of Spain in the western hemisphere.[1]

There were many acts of force committed by the subjects of States at this and earlier times which were entirely indistinguishable from acts of war, but which were not regarded as creating a state of war between the States themselves. The line between peace and war was not so clearly defined as in modern times. Originally and in theory such acts remained forcible means taken against the subjects of another State or against their goods to constrain the foreign Power to do justice upon the questions in dispute. Under the name of "reprisals" they are provided for by treaties so far back as the middle of the thirteenth century. At first they appear to have been carried out by private persons without any public authority, when there was little if anything to distinguish them from piracy, but later, authorisation of the prince was recognised as necessary and became the rule. These were known as "special reprisals" to distinguish them from similar acts of a general character against all the persons or property of a foreign State, authorised by the Government, to which the name of "general reprisals" was given. A statute of Henry V only allowed reprisals after *lettres de requête* had been sent to the Privy Council, which if granted enabled the injured party to obtain letters of marque under the great seal.[2] Treaties from the fifteenth century provided that no reprisals should be authorised until the prince of the subject despoiled had applied for redress to the prince of the alleged wrongdoer.[3] The grant of letters of reprisals and of marque continued to be an important feature during the period of the Anglo-Spanish rivalry of the sixteenth century and during the Anglo-Dutch conflicts of the seventeenth century. During the latter conflicts "general reprisals"

[1] For other references to the history of the line of demarcation see Payne, E. G., in *Camb. Mod. Hist.* vol. I, chap. i; Bourne, E. G., *Essays in historical criticism*, p. 175; Harrisse, H., *Diplomatic history of America*, *passim*.

[2] 4 Hen. V, c. 7.

[3] Dumont, *Corps universel diplomatique*, vol. IV, pt II, p. 12.

were introduced and letters of marque were freely given irrespectively of whether the grantees had received injury or not. By the end of the seventeenth century "special reprisals" were dying out.

The writers of the late sixteenth and early seventeenth century generally conceived of war as a dispute by force, or dealt with the status or condition of the belligerents. They failed to envisage the existence of the legal condition which arises from war and to distinguish it from the use of forcible means of obtaining redress, such as reprisals, where a state of war is not in existence. There was not, in fact, the same necessity for the modern conception of war as there is to-day, since the modern notion of neutrality with the rights and duties of neutrals which it involves was non-existent. The belligerents had but little concern or theoretical respect for third parties, their rights and obligations, and the latter had no modern sense of their duties and rights in relation to the belligerents. The quarrel might be and possibly ought to be the concern of their neighbours, a state of things in keeping with the cosmopolitanism of the times and the absence of the sentiment of nationality. But this is not to say that the condition of neutrality was unknown. The neutrality of particular territory in the sense of its immunity from acts of hostility was recognised in the sixteenth century. The Act given by Francis I in 1536 for the protection of the territories of the Duke of Lorraine recognised the lands as "neutres".[1] The subjects of States not engaged in war were termed *non hostes* or *medii in bello*. The conception of neutral duties appears, indeed, alien to the thought of the period, and especially is this true during the wars of religion, when the assistance of belligerents of his own communion was felt to be the duty of a Christian prince. The Dutch and French Protestants both received aid from bodies of English and Scottish soldiers even where there was no state of war between the English and Spanish monarchs. Henry IV allowed regiments of French soldiers to enter the service of the United Provinces, and when, in 1631, the Marquis of Hamilton took 6000 men to the assistance of Gustavus Adolphus, with the consent of Charles I, the expedition was exceptional only in its size.[2] If States wished to be neutral, they entered into treaties for this purpose, and even such treaties were not necessarily violated where limited aid was given to a State under pre-existing conditions. So, too, treaties not infrequently gave States a right to raise forces in countries which were not parties to the war. The meagre condition of the law may be seen from the fact that Grotius in 1625 has but one short chapter in his *De jure belli ac pacis* on "De his qui in bello medii sunt", in which he lays it down that "it is the duty of those who stand apart from a war to do nothing which may strengthen the side whose cause is unjust, or

[1] Walker, T. A., *Hist. of Int. Law*, p. 195; see also "Neutrality and neutralisation in the sixteenth century—Liège", by Knight, W. S. M., *Journ. of Comp. Legislation*, 3rd ser. II (1920), 48–98.

[2] Hall, § 208.

which may hinder the movements of him who is carrying on a just war; and in a doubtful case, to act alike to both sides in permitting transit, in supplying provisions to the respective armies, and in not assisting persons besieged".[1]

As regards the rights of the non-belligerents there seems to have been a curious conflict in practice between the claim for inviolability of neutral territory and the complaints when it was enforced. Perhaps herein is to be seen the well-known change in the point of view which has invariably characterised the attitude of States according as they are belligerent or neutral. In the sixteenth century respect for neutral territory appears to have been slight, and Elizabeth's action in 1588 in instructing her ambassador to complain to Henry III of the conduct of French officials in preventing the capture by her ships of Spanish property in French waters was scarcely in accord with the opinion of Gentilis.[2] The theory of neutral right became more pronounced at the end of the sixteenth and in the early part of the seventeenth century. James I in 1604 issued a proclamation forbidding belligerent acts within any places in his dominions "or so near to any of our said ports and havens as may be reasonably construed to be within that title, limit or precinct". He further defined the lines of neutrality at sea as "a straight line drawn from one point to another within the realm of England". The areas so enclosed were called "The King's Chambers". But even in the next year the Dutch and Spanish fleets fought in Dover harbour, and innumerable instances occurred during the next half century showing that the doctrine was more honoured in the breach than the observance.[3] It was not until the eighteenth century that neutral rights were better respected. The principle of contraband, involving the capture of neutral goods destined for the enemy, was coming into being and Elizabeth defended Drake's capture in 1589 of Hanseatic vessels in the Tagus which were laden with stores for a new Armada. She laid down the proposition: "The right of neutrality is in such sort to be used, that while we help the one, we hurt not the other".[4]

The practice of warfare in the period under consideration was cruel and savage, though it must be borne in mind that the general customs of the age were such as would in many respects revolt modern ideas.

It is not easy to define the position of many of the great seamen of the Elizabethan age in their attacks on Spanish trade in the New World. That there was lawlessness, there is no doubt, cruelty also in many cases. But Englishmen would not be denied commerce in the New World, and trade merged into war. These proceedings, if not always authorised, were connived at by the Queen and her advisers;

[1] *De jure belli ac pacis*, lib. III, cap. xvii.
[2] "Alienum territorium securitatem praestat", *De jure belli*, lib. II, cap. 227.
[3] For examples see Hall, § 209.
[4] Walker, p. 200.

if the adventurers were successful, they shared in the spoils; if not, the adventure failed; but in both events the peace between the nations remained unbroken. Religion was doubtless a strong compelling force, but economic forces were also at work with equal power. The New World was the main source of the gold supply of Spain, and this was being used to overwhelm the Protestant movement in Europe, and French Protestants joined with English in endeavouring by way of reprisals to cut off Spanish supplies at their source and to found colonies in those parts of the world which Spain claimed as her own. To attempt to pass judgment on the actions of the pioneers of naval expansion in the light of such international law as could be said to exist at the period appears to be a vain task. Treaties there were, but the interpretation of the terms relating to the intercourse of the subjects of the contracting States was disputed. Beyond the "lines" might was right.

To return to the Spanish claims; the most important event occurred in the making of the Treaty of Madrid, 1630, between England and Spain. The principles underlying the treaty are similar to those of the treaty of 1604, freedom of commerce being allowed "where there was commerce between the said kingdoms before the war between Philip II, King of Spain, and Elizabeth, Queen of England, according as it was settled in the treaty of peace of the year 1604".[1] There is no specific mention of what these places were; the matter was left as equivocal as before. In one respect, however, the treaty registers a change. The view that treaties lost their force in places "beyond the lines of peace" was abandoned as regards prizes, for it was agreed that those taken "beyond the line" should be restored. At length, in the Treaty of Münster, 1648, Spain formally acknowledged that the Netherlands had the right of navigation and commerce both in the West and East Indies (Art. 5).[2] The long struggle for freedom of navigation and settlement in the New World was ending, and treaties were now operating "beyond the line".

Something more should be said of the rights of the original inhabitants in the newly discovered lands, as strongly opposed points of view manifested themselves on this subject. Later opinion tended to deny to pagan inhabitants the possibility of sovereign rights over their territories; but writers of the fourteenth, fifteenth and sixteenth centuries generally inclined either to the opinion that such peoples had complete rights as against all others, or that they had conditional or restricted rights. The contrary opinion followed from the principles advocated by Wycliffe; this was condemned by the Council of Constance (1414–18) and by Richard Fitzralph, Archbishop of Armagh, in regard to Poles and Lithuanians.[3] But this condemnation did not prevent the view from reappearing and being

[1] Davenport, p. 313. [2] *Ibid.* p. 363.
[3] Nys, E., *Le droit des gens et les anciens jurisconsults espagnols*, p. 65.

strongly held in the sixteenth century, especially in England and other countries which rejected the scholastic views of which St Thomas Aquinas was the chief author. It seems clear that the great Spanish authorities of the sixteenth century held the view that the newly discovered lands in America were not *territoria nullius*. This doctrine was emphatically enunciated by Franciscus à Victoria and Dominic Soto, the latter declaring that there was no difference between Christians and pagans, for the law of nations is equal to all nations. Las Casas and Ayala, Gentilis and Grotius followed in the same line of thought, maintaining that the discovery of unknown lands already occupied did not give the discoverers the right to deprive the inhabitants of their territory.[1]

The reasons which led both Spanish and Portuguese navigators to undertake their hazardous adventures were complex, though emphasis is laid in the papal bulls on the spread of Christianity, and the conversion of the heathen. Ferdinand and Isabella and their successors were actuated by a desire to extend the power and influence of the Church and their personal pre-eminence as its bulwarks, and they found in the papal claims to overlordship of the infidel world valuable assistance to their own aims. The writings of the theological jurists of Spain gave them an immense moral support, and their insistence on the claims of humanity, emphasised in the bulls themselves, strengthened the claims of the Portuguese and Spanish monarchs. Unfortunately, the teachings of these writers were not observed in practice. The secular advantage accruing from discovery of lands with illimitable potentialities for wealth led to an easy disregard for the doctrine of the sovereignty of the local chiefs and leaders. The expeditions were invariably accompanied by ecclesiastics and notaries who not only assisted in, but controlled, the process of occupation and the preparation of treaties with the Indian chiefs. These treaties gave practical advantages as against rivals of the western world, and almost invariably led to acquisition of sovereignty either by the unconscious and indefinite development of events or by the breach which afforded a just cause for the desired war of conquest. Such a *casus belli*, according to many of these theological jurists, was necessary before a just war could be undertaken, while, according to others, the passive or obstinate resistance by the aborigines to the preaching of the Gospel was itself a *casus belli* giving rise to a *justum bellum*.[2]

But, while these methods were being followed in the East and West by the Spanish and Portuguese, England remained indifferent. The bulls were not accepted either here or in France[3] as excluding the

[1] Nys, *op. cit.* chap. vii; Lindley, M., *The Acquisition and Government of Backward Territory*, p. 12.

[2] Cf. the circumstances of the Spanish occupation of Luzon in 1570, Blair and Robertson, *Papers relating to the Philippine Islands*, II, 169.

[3] Margry, P., *Navigations françaises*, p. 221.

search of other nations for new lands and islands. The charter to the Cabots enunciated a principle not dissimilar from that of the papal bulls, that lands hitherto unknown to Christians were open to occupation by the adventurer. But the Cabots were sailing under the flag of England, and the lands they discovered were to come under the sovereignty of the English king. Before long, the cruelties of the Spaniards in America raised a righteous indignation in England and urged her seamen to desperate vengeance, but this was mainly due to the religious struggles of the period and the danger to England of the Spanish power. The great Spanish theologians and missionaries protested in vain against the excesses of their countrymen, who were ignoring their humanitarian claims. Elizabeth in her instructions to Fenton on his expedition to the East Indies and China warns him not only against despoiling Christians but also to deal with the pagans as a good and honest merchant, but there is no pretence at discovery for the purpose of conversion. Still it must be remembered that in the earliest charters of the colonies in the New World, one of the reasons given for the grant is "the propagating of Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God",[1] and "the conversion of such savages as remain wandering in desolation and distress to civil society and Christian religion".[2] The law of Nature and nations had acquired in England a new meaning. A new interpretation was placed upon it in accordance with Protestant thought and English interests. The sovereignty of the native races was ignored, a decided, though unconscious tribute to the genius of Wycliffe. Discovery followed by settlement, thus leading to occupation, or, more rarely, the simple right of conquest, was relied on as a title. There was no real agreement as to the legal basis on which claims should rest at this time, and modern authorities are similarly in disagreement. States were feeling their way towards a juridical basis for their acts, so that they might defend them against others and against the aborigines.

Later writers have enunciated the principles on which they deemed the discoverer or conquerors might base their title. Thus Blackstone says, "Plantations or colonies, in distant countries, are either such where the lands are claimed by right of occupancy only by finding them desert and uncultivated, and peopling them from the mother country; or where, when they are already cultivated, they have been either gained by conquest or ceded to us by treaties. And both these rights are founded upon the law of nature, or at least upon that of nations". He further adds that our American Plantations were obtained "either by right of conquest and driving out the natives (with what natural justice I shall not at present enquire) or by treaties".[3]

[1] Art. 3 of the first charter of Virginia, 1606.

[2] Patent of Council for New England, 1620; cf. also the first charter of Massachusetts, 1629.

[3] *Commentaries*, I, 107, 108

From this view Story, the distinguished American jurist, dissents, but he does not take account of the fact that Blackstone is considering the question as between England and the native races only, and not as between England and other States. From the latter point of view both he, Kent and Chief Justice Marshall lay stress on the priority of discovery. The last-named authority, after pointing out that the European nations, in their eagerness to acquire new territories, found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the New World by bestowing on them civilisation and Christianity in exchange for unlimited independence, says,

> It was necessary in order to avoid conflicting settlements and consequent war with each other to establish a principle which all should acknowledge as the law by which the right of acquisition to which they all assented should be regulated as between themselves. The principle was that the discovery gave title to the Government by whose subjects or by whose authority it was made, against all other European Governments, which title might be consummated by possession.

He then adds a summary in which he shows that the history of America from its discovery to the present time proves the recognition of these principles.

> Spain did not rest her title solely on the grant of the Pope. Her discussions respecting boundary, with France, with Great Britain, and with the United States, all show that she placed it on the rights given by discovery. Portugal sustained her claim to the Brazils by the same title. France, also, founded her title to the vast territories she claimed in America on discovery.... The States of Holland also made acquisitions in America and sustained their right on the common principle adopted by all Europe.... The claim of the Dutch was always contested by the English; not because they questioned the title given by discovery, but because they insisted on being themselves the rightful claimants under that title. Their pretensions were finally decided by the sword.[1]

It is obvious that during the period under review England could not have made the firm beginnings of overseas expansion had she not been a maritime Power. As such she was faced with international problems, and to the solution of them she ultimately contributed much. On her east coast were great sea fisheries, perhaps the most important in Europe, which were at the same time a source of food supply and of wealth not only for her own people but for those of a large part of the continent. The use or control of these fisheries, the spirit of adventure and of trade which developed in the sixteenth century, produced competition and conflicts, which led to an examination of international rights and elaboration of doctrines relating to them.

The chief questions connected with the sea which call for examination during this period are those of the sovereignty of the sea, claims

[1] *Johnson and Graham's lessee* v. *McIntosh* (1823) 8 Wheat. 543; see also Story's *Commentaries*, § 152; Kent's *Commentaries*, III, 384; Moore, J. B., *Digest of International Law*, I, § 80; Snow, A. H., *The Question of Aborigines in the Law and Practice of Nations*, chaps. iii and vi; Lindley, p. 23.

to appropriate or to exercise dominion over vast areas of the ocean and the restriction of commerce and navigation therein, the right to sea fisheries, inshore as well as deep sea, and the limits of the territorial seas.[1] All of these questions are largely involved in the fundamental one of national occupation, property or jurisdiction over the sea, and as regards England herself some of the most important matters during the period were those connected with fishery rights.

It has become an uncontested principle of modern international law, that the sea as a general rule cannot be subjected to appropriation,[2] but at the beginning of the seventeenth century there was probably no part of the seas surrounding Europe free from the claims of proprietary rights by some Powers, nor were there any over which such rights were not exercised in varying degrees.[3] The Italian Republics of Venice and Genoa afford striking examples; the former before the end of the thirteenth century claimed the sovereignty of the Adriatic, the latter that of the Ligurian Sea. The claims of Venice, though she was not in possession of both the shores, were acknowledged by the Popes and by other Powers, and, even after her decline, these rights were admitted generally as barriers to the Turks. In the north Denmark and Sweden claimed the Baltic, and Norway and, later, Denmark claimed the northern seas between Norway, Iceland and Greenland, on the principle that possession of the opposite shores carried the sovereignty of the intervening seas. The Spanish and Portuguese claims, based on the papal bulls and the Treaty of Tordesillas, as we have seen, were still greater. The "line" was drawn dividing their dominions, and westward of it in the Atlantic, the Caribbean Seas and the Pacific, Spain claimed the exclusive right of navigation, while eastward of it in the Atlantic and in the Indian Ocean Portugal advanced similar claims. With the English claims we shall deal later.

Meanwhile it is well to ascertain the reasons which underlay claims which to-day appear extravagant. Doubtless the principle of self-preservation, the need for the protection of their coasts and of their commerce and the maintenance of a monopoly of trade were important reasons for the assertion of the right of supremacy over adjacent seas. But the enforcement of the right of control, carrying with it often the right to levy tolls and other charges for a protection to passing ships which was often more nominal than real, was tolerated so far as it enabled the foreign sailor to obtain assistance and protection from the pirate, the plague of the seafarer in the Middle Ages. In the Baltic, the North Sea, the Channel, the Mediterranean, everywhere, traders were exposed to the attacks of these

[1] This last subject is dealt with in chapter XIX, *infra*.

[2] Hall, W. E., *International Law*, § 40.

[3] Fulton, T. W., *The Sovereignty of the Sea*, Introduction; Hall, § 40; Walker, T. A., *Hist. of Int. Law*, § 92; Rœstad, A., *La mer territoriale*, chaps. v and vi. Fauchille, P., *Droit international public*, t. I, 2e partie, § 483, for bibliography.

sea robbers. The merchants of various nations soon found that the protection of their trade must be undertaken by themselves, and they armed their fleets, which sailed in consort under an elected chief called an admiral.[1] Articles of agreement were drawn up regulating the voyage, providing for mutual defence and a fair division of any captures they might make from the pirates; the admiral was not only their leader but to him was left the duty of adjudicating in matters of prize. Princes found it to their advantage to enlist the services of these associations, and in so doing they deemed it best to leave them to obey their accustomed rules, and thus their rules grew into maritime international law, the customary law of the sea. The Admiral's Court became a Court of Prize which operated not only in case of captures from pirates, in prizes taken by way of reprisals, but also of prizes taken in war. Fighting navies maintained by the State only came into existence about the fifteenth century; princes engaged the services of the associations of merchants and mariners as well to protect the seas from pirates as for purposes of war. The conception of the sovereignty of the seas residing in the monarch had, therefore, in the Middle Ages and later a real and beneficent cause. That such claims should first appear in the Mediterranean was only natural, for the trading cities of Italy were the chief sufferers from the depredations of Saracens and Greeks in those waters. The extension of jurisdiction involving claims to sovereign rights over adjacent waters was a means of giving such claims the appearance of a legal basis as being appurtenant to ownership, and the principles laid down for the Mediterranean extended to other seas.[2]

The English claim was probably at first based on the ground of protecting commerce, but in its early stages there appears to have been little interference with shipping in the seas adjacent to these islands. The later Plantagenets and the Stuarts claimed this sovereignty, but the extent of the claims and their attempted enforcement appear to differ very considerably.[3] On the claims of the Plantagenet kings there is a difference of opinion, but the better view appears to be that they originated in the need for the protection of shipping. A much-cited ordinance of King John in 1201 required all vessels, foreign and English, "to strike or veil their Bonnets at the commandment of the lieutenant of the King, or of the Admiral of the King or his lieutenant". There are doubts as to the authenticity of this ordinance, but the weight of authority is in its favour. Both shores of the Channel were under the sovereignty of the English king, and this according to current ideas gave him special rights. Probably

[1] Twiss, Sir Travers, *Law of Nations, War*, §§ 74, 76.

[2] Nys, E., *Les origines du droit international*, chap. xvi.

[3] See Sir John Boroughs, *Sovereignty of the British Seas* (1633), with introduction by T. C. Wade (1920); Wade, T. C., "The Roll *De Superioritate maris Angliæ*", *Brit. Year Book of Internat. Law*, 1921–22, p. 99; Fulton, T. W., *The Sovereignty of the Sea*, Introduction and chap. i; Twiss, Sir Travers, *The Black Book of the Admiralty*, Introduction.

the lowering of the topsail was to enable the vessel to be stopped to ascertain whether she was a pirate or engaged in lawful trade. It was not till the sixteenth and seventeenth centuries that the "right of the flag" was enforced to signify an acknowledgment of claims of sovereignty of the sea far in excess of those of the Plantagenets. Edward III by a commission of 1336 to Geoffrey de Say as admiral made the definite assertion that the kings of England had in times past been lords of the English seas on every side and defenders of the same against the incursions of their enemies. Edward III in the earlier part of his reign well deserved the title of "Lord of the Sea", and in 1340 after his victory over the French in the battle of Sluys he coined the famous gold noble of which the obverse bears the effigy of the King, crowned, standing in a ship with a sword in one hand and a shield in the other. This was taken to represent "king, shype, and swerde and pouer of the sea" by the author of *The Libel of English Policy* who, seventy years later, was bewailing the condition of the English fleet. By the end of the reign of Edward III the fleet was starved and defeated by the Spaniards, and in the reign of Henry VI the naval power of England was reduced to a very low ebb.[1] The words used to designate the nature of the claims were *superioritas* or *dominium*, but it does not appear that the monarchs considered the seas over which they made these claims as part of their domains or that foreigners were prevented from passing through them or taking the produce, nor was tribute levied as was done by Denmark at the Sound or by Venice in the Adriatic. "The Plantagenets strove for little more than a high sounding title, and were willing for the prestige which it conferred to undertake the burdens and duties which it involved."[2] During the fifteenth century the sea power of England was at its lowest, and until the claim was revived in an exaggerated form by the Stuarts there is little trace of attempts to assert maritime jurisdiction during the fifteenth and the first half of the sixteenth century. The attitude of Queen Elizabeth to such questions is considered below. The demand for the observance of the lowering of the topsail and the ceremonial striking of the flag was made from time to time and enforced. In the reigns of Henry VIII and Edward VI we have examples, and this demand began to be made from foreign ships of war in the Channel. In 1554 the Spanish admiral's ship carrying Philip of Spain to marry the Queen was fired on by Lord William Howard and compelled to lower her colours in the presence of the English fleet. It was not, however, till the next century that the ceremony became of international importance.

The subject of fisheries in the North Sea and the waters surrounding England is one of great importance in this period, but from the reign of Edward III there was considerable liberty of action for all foreign fishermen, with occasional assertions of ceremonial acknowledgments.

[1] Fulton, p. 37. [2] Wade, in *Brit. Year Book of Internat. Law*, 1921–22, p. 107.

To the end of the sixteenth century many of the treaties concluded for mutual commerce and navigation included permission to fish in English waters. The Dutch were the greatest fishermen of the period, and the industry became of supreme national importance to them. The most important treaty on this matter was that made in 1496 between Henry VII and Philip, Archduke of Austria and Duke of Burgundy, known as *Intercursus Magnus* (The Great Intercourse, *'t Groot Commercie-Tractaat*), which has been called the "sheet-anchor of Dutch policy in relation to England in the seventeenth century".[1] This treaty endured for about 150 years, and under it the fishermen of both nations—English and Dutch—were to be at liberty to go in security to fish anywhere on the sea, without requiring any licence or safe-conduct, and to have free use of one another's ports when compelled thereto by stress of misfortune, weather or enemies, paying the ordinary dues (*solvendo in locis ubi applicabunt quin et theolonia praedicta*) and being free to leave with their ships and cargoes without hindrance.[2] Throughout the Tudor period English policy towards foreign fishermen was liberal and conceded the right to fish in English waters. The policy of Scotland was more restrictive, the Scottish fisheries were of even greater value than those of England, and with the accession of James I, whose upbringing had been in a very different atmosphere from the liberal policy of England, the "bloody quarrels"—as Welwood terms them—of the Scottish and Dutch fishers extended to England. After the Reformation a rapid decay of the English sea fisheries had set in, and the revival of the industry became an important object of the domestic politics of the country. To this end there arose a desire to prohibit all foreigners, and especially the Dutch, from using the fisheries, and this led to a movement for the assertion of England's sovereignty of her seas. The literary pioneer of England's claims was Dr John Dee, better known as "magician" and astrologer, but also a scientist and political thinker. He published in 1577 a book entitled *General and Rare Memorials pertayning to the Perfect Arte of Navigation*, known also as *The Brytish Monarchie*. While admitting that the British seas were common to all for navigation, he put forward the view that the fisheries within the royal limits and jurisdiction wherein the English Crown had its sovereignty, pertained to the Crown and should be free only to such foreigners as were licensed and paid tribute. Of Dee it has been said that he "was not only the first English writer who claimed the sovereignty of the sea and the fisheries for England; but he was also the first who attempted to define their boundaries in detail".[3] The limits were based largely on the writings of Italian jurists such as Bartolus and Baldus,[4] but such claims, even with the support of Plowden, who had previously in arguing a case

[1] Fulton, p. 72.
[2] Rymer, T., *Foedera*, XII, 583; Dumont, III, ii, 338.
[3] Fulton, p. 101.
[4] Fenn, P. T., jr., *The Origin of the Right of Fishery in Territorial Waters*, chap. vi.

submitted similar limits, were not accepted by those in authority. Plowden denied the Queen's rights of property in the sea, or that she could prohibit anyone from fishing in it.

Elizabeth, who is sometimes wrongly accused of inconsistency in this matter,[1] long before Grotius wrote his *Mare Liberum* in 1609, put forward no such claims over the seas adjacent to her realm. Her protest to Mendoza, the Spanish ambassador, is mentioned below, and in her dispute with the King of Denmark arising out of the Danish monopoly of the Iceland fisheries, her instructions to the English ambassadors (in 1602) contained a remarkable argument in favour of the free sea. She claimed that the law of nations allowed fishing in the sea everywhere. There could be no property in the sea even though both sides belonged to the same monarch, the most that she was prepared to allow was some oversight and jurisdiction for a small distance from the coast. Elizabeth was not thinking alone of the English seas, she had already combated the claims of Spain and Portugal whose demands extended to the complete exclusion of other nations from the waters allotted them under the papal bulls and treaty. Her dispute with Portugal began early in her reign,[2] but it was with Spain that the most serious trouble was occasioned. Elizabeth's policy was to secure freedom to trade and to fish for all her subjects, and Drake, Frobisher and Hawkins in the West and Cavendish and Lancaster in the East provided the practical answer to these pretensions of the Iberian Powers. The foundations of the British Empire were being laid beyond the seas, and this great undertaking was only legally possible on the assumption that the seas were free to the navigation of all and that no newly discovered territory, not effectively occupied by any other Christian Power, was closed to the English adventurers and their ambitions. The Spanish pretensions received careful consideration by Elizabeth and her advisers. To Mendoza's complaints in 1580 of Drake's depredations the Spanish ambassador was told by the Queen that his master was violating the law of nations in forbidding English commerce in the West Indies, and that her subjects would continue to navigate those seas since "the use of the sea and air is common to all".[3]

With the accession of James I the claim of England to the sovereignty of the seas entered upon a new stage. In the first year of his reign he decided that charts should be prepared marking out the "King's Chambers", the areas between the headlands round the coast of England within which all hostile acts of belligerents were prohibited. This step was for the fuller ascertainment of the jurisdiction of the king and is noteworthy also as an assertion of neutral protection. But very soon a further step was taken with a view to

[1] Hall, W. E., *International Law*, § 40.
[2] Selden, J., *Mare Clausum*, I, c. xvii.
[3] Camden, W., *Annals*, p. 225 (ed. 1635). See Fulton, p. 107.

protecting fisheries along the coasts of Britain and Ireland. The Scots had always been jealous of foreign fishermen, and during the reign of Elizabeth the Dutch had vastly increased their encroachments on English waters. The political situation was now changed. Elizabeth had stood as the protector and ally of the Protestant Dutch in their revolt against the Spaniards. The United Provinces were rapidly becoming the chief maritime competitors of England. James I's attitude to Spain was quite different from that of Elizabeth. Spain at the beginning of the seventeenth century, though still a great Power, was not the danger she had been in the middle of the sixteenth century. James early concluded peace with Spain,[1] and turned his attention to the Dutch who throughout the seventeenth century were to be the great rivals of England and amongst whose chief commercial assets were the fisheries in the North Sea. So James proceeded in 1609 to claim all the fisheries along the coasts of Great Britain and Ireland and to prohibit foreigners from fishing there without licences. From this time the English claim to the sovereignty of the sea was asserted in a far more extensive manner than had ever been suggested before, and this assertion met with the approval of the people of England, jealous of their rivals not only in the fisheries but in their commercial enterprises in other parts of the world, and actuated by the feeling that in their dealings with the Dutch, the latter were by no means open and fair. The Plantagenet claims were based on the necessity of keeping the seas clear of pirates, the Stuart claim embodied "the national jealousy of the success of active and industrious competitors". In support of his claim the King referred the matter to the Privy Council to examine the question whether he was fettered in his action by treaties, and especially by the *Intercursus Magnus*. The report of the Committee was favourable to the King.[2] The Dutch were not unprepared, as the tenor of the report of the Privy Council was known several months before the proclamation was issued, and almost immediately it was followed by the publication by Grotius, at the request of the Dutch Government, of his *Mare Liberum*—the classic argument against the principle of the sovereignty of the sea. This was followed, before the issue of King James's proclamation, by the Truce of Antwerp (1609) whereby the long struggle between Spain and the United Provinces was brought to a standstill for twelve years. The States-General at once protested. The operation of the proclamation was suspended, but not withdrawn, and James ordered the State archives to be searched to ascertain what arguments could be found to support his pretension to maritime sovereignty and exclusive fishing in the waters in question. Special embassies passed between England and Holland, the position being complicated by a Dutch protest against England's activities in the Far East, where the English claims for freedom of navigation and commerce were being

[1] *Vide supra*, p. 77. [2] Fulton, p. 147.

asserted. It is clear that considerations of interest, rather than of principle, were the motive power of both parties. Meantime James was punctiliously reasserting the right of the flag in the Channel.

Charles I carried his father's claims still further. James had laid emphasis on fishing rights and the inviolability of the "King's Chambers"; Charles claimed the lordship over all the surrounding seas, the Channel and the North Sea. There was some excuse for this in the lawless warfare which for years was carried on between the Dutch and the Dunkirkers, who were little better than pirates. Flagrant violations of English territory occurred. Twice in 1634 fights occurred in the harbours of Yarmouth and Scarborough between these belligerents—in the latter case the fight was actually concluded on shore; this notwithstanding a proclamation of Charles in 1633, reasserting his sovereignty over the whole of the four seas of Great Britain. Unfortunately, the Navy of England was very weak and unable to exercise its primary duty of preserving peace in the Channel which was rendered more difficult by the incursions of Mediterranean pirates. There was, therefore, in the opinion of the English political leaders of the day, some reason for an active naval policy, even for a "Ship-money" fleet, built under circumstances of grave constitutional danger. For a time the question of the salute of the flag raised but few difficulties on the part of the Dutch, and it was not Richelieu's policy to engage France in war on such an issue. Charles's attempts to assert his claims were, on the whole, a pitiable failure, but at his instigation search was again made for precedents to support them and Selden devoted his massive learning to this end. The Long Parliament made the efficiency of the fleet one of its first cares, and under it and the Commonwealth the Stuart claims were not only asserted, but enforced, and the refusal of Van Tromp to lower his flag to Blake in the Straits of Dover was the proximate cause of the first Dutch War.

This subject cannot be left without further reference to the great juridical controversies on the freedom of the sea which filled the first half of the seventeenth century, and whose results were only manifested towards its end, when doubts began to be cast on the genuineness of the historical precedents on which English claims were based and also on the wisdom of their enforcement.[1] The controversy has been well called "the battle of the books", and it produced a series of works on both sides characterised by an amazing amount of erudition and dialectical skill. The protagonists on their respective sides were the Dutch Grotius and the English Selden, both men of immense learning and ardent patriotism. Grotius, as subsequent events showed, was on the winning side, and it is quite as much—if not more—to his *Mare Liberum*, as to his better known *De jure belli*

[1] Meadows, Sir Philip, *Observations concerning the dominion and sovereignty of the seas* (1689).

ac pacis, published in 1625, that his claim to be the founder of international law is due.

The general position as regards the claims made by Venice, Genoa and Denmark has already been noted. These claims were small and unimportant when compared with the extravagant pretensions of Spain and Portugal to the monopoly of trade and navigation in the New World and the East, which involved the exclusion of all other nations from all the waters of the world except those washing the shores of Europe and North Africa. The English were by no means the only nation to suffer by these claims; French and Dutch were likewise excluded, and this interference with the Dutch traders in the East Indies was the prime reason for Grotius writing his *Mare Liberum*. By a curious irony of fate, not unlike that from which Milton suffered in relation to his plea for the freedom of the press, Grotius soon afterwards was arguing for the exclusion of the English from a share in the trade in the East Indies which the Dutch had been able to wrest from the Portuguese.[1] The *Mare Liberum* was the twelfth chapter of a work called *De jure praedae* in defence of the Dutch trade, and the only part of it which was published during the writer's lifetime. The manuscript of this work remained unknown till 1864, and was not given to the world till 1868. Grotius had been preceded in his arguments for the freedom of navigation and commerce by two Spanish writers, Francis Alfonso de Castro[2] and Ferdinand Vasquicas or Vasquez,[3] who, like so many other Spanish jurists of the period, showed an astonishingly independent attitude towards the legal controversies of the time.

It is doubtful whether any country can show such a remarkable body of jurists as those of Spain in the sixteenth and seventeenth centuries whose views were based on the broadest outlook of humanity and without whose inspiration it is doubtful whether Grotius would have written, or, if he had written, would have achieved the success which his works attained.[4] Both de Castro and Vasquez held that the sea was common to all and that the claims of both the Portuguese and the Spaniards to prohibit other nations from navigation in the East and West Indies were untenable. Grotius not only adopted these arguments, but also assailed the papal grants. He took the position that every nation is free to travel to, and to trade with, any other nation, a position which even to-day is not fully accepted in practice. As regards the sea and navigation he argues that the sea is incapable of occupation by any one State and is common to the use of all. He is speaking here of the outer sea or ocean, not that adjacent to the shores of a State and within sight of the shore. Further, since the

[1] For an account of the origin of the *Mare Liberum* and its connection with the *De jure praedae* see Knight, W. S. M., *The Life and Works of Hugo Grotius* (1925), chap. v; also Fulton, chap. ix; Fenn, chap. viii.

[2] *De Potestate legis penalis.* [3] *Controversiae Illustres.*

[4] See Nys, E., *Le droit des gens et les anciens jurisconsults espagnols.*

sea is free to all, so is fishing in it, and this ought everywhere to be exempt from tolls. Grotius repeated in more concise form these principles in his *De jure belli ac pacis*, with some modifications especially relating to what afterwards became known as "territorial waters", anticipating the position which Bynkershoek, another Dutchman, one hundred years later assumed in his limitation of the waters adjacent to the shores of a State to so much as was capable of being controlled from the land. The Dutch obtained what they sought from the Portuguese by a treaty signed a month after the *Mare Liberum* was published. But this work seems to have passed almost unnoticed on the continent for some years. A reply was prepared by Seraphim de Freitas, a Portuguese monk, in 1625, *De justo imperio*, and at the same time there also appeared works in defence of the claims of Venice,[1] though they do not appear to have been replies to Grotius. But in England the *Mare Liberum* received much more attention, the King was angry, and the English ambassador at the Hague held up the author to opprobrium.[2] The first reply from England came from the pen of William Welwood, a Scotch Professor, who published in 1613 a new edition of his treatise on the sea laws of Scotland which contained a chapter on "The community and property of the sea", and two years later he published a formal work in Latin on the same subject, *De Dominio Maris*. Welwood asserted the right of the inhabitants of a country to the fishery in the seas adjoining their shores, both for the maintenance of the inhabitants and also to prevent the exhaustion of the fishery. Welwood was the only antagonist to whom Grotius replied, though the reply was not published but was found in manuscript with that of the *De jure praedae* in 1868.

The classic reply to Grotius was made by John Selden in his *Mare Clausum* published in 1635. Between the publication of the *Mare Liberum* and Selden's reply other works dealing with the subject had been published in England, and of these reference must be made to the *Hispanicae Advocationis* of Albericus Gentilis, published in 1613. This was a reproduction of his arguments as representative of Spain in the English Prize Courts, in which he contended that the English seas extended on the west as far as America, and that territorial jurisdiction extended round the coast to a distance of 100 miles, an argument which was based on the doctrines of the Italian school represented by Bartolus and Baldus, but not accepted by the English courts. Sir John Boroughs, the Keeper of the Records, was also engaged at this time, by command of Charles I, in preparing a defence of the Stuart claims, using as one of his chief arguments the *De Superioritate* roll to which reference has already been made.[3] Boroughs's work on *Sovereignty of the British Seas*, written in Latin and dated 1633, was not published till 1651, but it was available to Selden.

[1] See Fenn, chap. ix. [2] Fulton, p. 351. [3] *Vide supra*, p. 196.

Selden appears to have finished his first draft in 1618, but this was greatly enlarged and revised and finally published in December 1635. He met the claim that the sea is common to the use of all and incapable of appropriation by evidence of numerous cases to the contrary. He agreed that Spain and Portugal could not support their claims because they had no sufficient naval forces to maintain them. He admits that innocent navigation should not be prohibited, but that it cannot always be claimed as a right. When he comes to the claims of Charles I he endeavours to prove by citation from the records that English kings had always preserved the right to forbid navigation and to levy tolls for fishing. Much of this part of the argument appears to be far-fetched and many of the examples given could have been paralleled from the records of other maritime States adjacent to the North Sea. Without entering further into the details of his arguments it may be said that it surpassed the work of Grotius in learning and was not less able in its arguments. "Apart from its extreme doctrines as to the sovereignty of England in the seas, it more correctly represented what are now the admitted principles as to the appropriation of the adjacent seas than did most of the works written on the other side, not excepting even those of Grotius."[1]

A reply to Selden was prepared in Holland by Dirck Graswinckel, a kinsman of Grotius, but was not published. In 1637, however, Pontanus, another Dutchman, in the service of the King of Denmark, and therefore fettered to a great degree by the Danish claims to the navigation of the Sound and the lordship of the seas round Iceland, published a refutation of Selden in which he very severely criticised the English claims to sovereignty of the northern seas. The "battle of the books" continued throughout the remainder of the seventeenth century, an accompaniment to the din of war which raged during its greater part over the question of the freedom of the seas.

In the foregoing pages an attempt has been made not only to correlate England and English policy with the outer world, but in so doing to show that the rules governing international relations, rules which were afterwards to form part of the body of international law, were vague, indefinite and only in process of formation. So long as there was a claim for supremacy over the European nations by Emperor and Pope, and the modern State system of Europe had not come into being, there could be no realisation of the society of States which needed for its fuller development and growth a system of laws to govern the mutual relations of the members. When the society of States appeared, then appeared the law—*ubi societas, ibi ius*. Undoubtedly there were the beginnings of rules in various departments of State intercourse, but it was not until the sixteenth and seventeenth centuries that the idea of a State community began to force its way into prominence. The law of Nature and of nations—the *jus naturale*

[1] Fulton, p. 376.

and the *jus gentium*—were not treated as equivalent expressions by the writers of the Renaissance; a distinction came to be drawn between the rules for which the necessity could be seen and those for which the necessity could not be seen.[1]

Ferdinand Vasquez Menchaea (1512–69), who has already been cited in the "battle of the books", made a great step forward when he conceived of the free nations of the earth grouped together as a society with their rights regulated by the *Jus Naturale et Gentium*.[2] Vasquez was a writer of strong independence, the enemy of absolutism, the advocate of freedom of navigation. While predicating a *jus inter principes vel populos liberos* he did not conceive of both the existence of an international society and the independence and interdependence of its members so plainly as another of his countrymen, Francis Suarez (1548–1617).[3] Suarez taught that though the human race was divided into peoples and kingdoms, each of which might in itself be a complete community, yet each was a member of the universal unity. "For these communities are never singly so self-sufficing but that they stand in need of some mutual aid society and communion. . . .For that reason they are in need of some law by which they may be directed and rightly ordered in that kind of communion and society."

Two important works on the laws of war were published at the end of the sixteenth century, and a third, more important still, appeared in 1625, which dealt not only with war but with peace also. They were attempts to ascertain what principle underlay this important and prominent fact in international relations, to distinguish acts of force in war from those between private persons, and to ascertain how, if at all, the brutal desires of men could be curbed by appeals to justice and right. The first of these is from the pen of Balthazar Ayala (1548–84), Judge Advocate of the Spanish army in the Netherlands, and was published in 1581. It is a treatise entitled *De jure et officiis bellicis et disciplina militari*;[4] the second is the *De jure belli libri tres*[5] by Albericus Gentilis (1552–1608), to whom reference was made above. Gentilis was an Italian jurist who left Italy, as he had embraced the reformed doctrines, and settled in Oxford where he was made Regius Professor of the Civil Law. His work is of the greatest importance and was much used by Grotius.

It is, however, to the work of Hugo Grotius (1583–1645) that the greatest importance must be attached in the evolution of a system of international law. It is not possible to do more than briefly indicate

[1] Westlake, *Collected Papers*, p. 26.

[2] *Illustrium Controversiarum aliorumque non frequentum, Libri tres* (1564); Walker, *op. cit.* I, 245.

[3] *Tractatus de legibus ac Deo legislatore* (1612); Walker, I, 155.

[4] Edited by John Westlake with a translation into English by John Pawley Bate, 1912; see also Knight, W. S. M., "Balthazar Ayala and his work", *Journ. of Comp. Legislation*, 3rd ser. III (1921), 220; Walker, I, 247.

[5] Edited in 1877 by Sir T. E. Holland; see also his *Studies in International Law*, pp. 1–39, and Oppenheim, L., *International Law*, I, § 52, for bibliography.

some of the reasons which made the publication of his *De jure belli ac pacis* in 1625 an epoch in the history of the law governing the mutual relations of States.[1] Writing at a time when Europe was in the throes of the Thirty Years' War, when passions were unrestrained, and wild lawlessness and barbarity were everywhere rampant, he appeared as the teacher of the rulers of men that they were members one of another and that natural law is as binding on the members of the community of States as on individual citizens of any one of them. He admits the existence of rules of the *jus gentium* as the practice of States, and that many of them are in violation of the rule of reason or Nature, and hence he pleaded for numerous ameliorations (*temperamenta*) in the rules of war. The effect of his teaching was not immediate—many of its precepts still remain unfulfilled—but its appeal to the learned classes was great, and soon statesmen and warriors like Gustavus Adolphus, who is said to have carried a copy with him on his campaigns, became students of his work. It has been well said that "the secret of his success lies in his conservative use of approved ingredients".[2] He brought to the task of constructing a system of law suitable to a new era a knowledge of the philosophic principles which had received the approval of the best minds of the preceding generations. His appeal to the law of Nature, to the Roman and canon law, was an appeal to principles known and accepted. In the international controversies of the Middle Ages and the Renaissance men argued in the realms of private law and remained within its domain. Grotius carried them outside this realm into a higher sphere, that of a society composed of States. His influence can be appreciated when the leading principles of the Peace of Westphalia (1648) are compared with those which were current in the sphere of international relations before the works of Grotius and his predecessors appeared.

The extended knowledge of the world in the era of discovery and the growth of commerce raised numerous questions which called for solution. The long wars of religion caused a new international sense to arise among the members of conflicting confessions. The imperial power was vanquished, and in the Peace of Westphalia, Catholic and Protestant Powers met on terms of equality, and a real society of States emerged whose interests were the interests of all. Following this peace came the general establishment of permanent embassies whose duties were concerned with these common interests of the State society, and the rules governing the intercourse of such States were henceforth sought in the principles which Grotius had enunciated in the law of Nature or reason (as some writers prefer to call it[3]), and the law of nations as evidenced by their customary modes of procedure.

[1] See Higgins, A. Pearce, *Studies in International Law and Relations*.
[2] Lawrence, T. J., *International Law*, § 23.
[3] E.g. Westlake.

CHAPTER VII

THE BEGINNINGS OF AN IMPERIAL POLICY, 1649–1660

ATTEMPTS to deal with British policy are usually open to the criticism that at most periods and in most departments of State activity it is difficult to prove that a policy was ever consciously formulated and acted upon. This is particularly true of some phases of imperial affairs in the mid-seventeenth century. There is a mass of ascertained facts bearing upon oceanic history, and there is also a great volume of essays and pamphlet literature by irresponsible writers, urging various courses upon successive Governments; but there is a remarkable deficiency of State papers by which it might be rigorously proved that English statesmen worked upon a great imperial policy, or did more than make opportunist moves as need arose. We look in vain among the State papers of the Interregnum for any programme from the hand of a man who had power to execute his thoughts, like that which Colbert penned to Mazarin in 1653: "We must re-establish or create all industries, even those of luxury; establish a protective system in the customs; organise the producers and traders in corporations; ease the fiscal bonds which are harmful to the people; restore to France the marine transport of her productions; develop the colonies and attach them commercially to France; suppress all the intermediaries between France and India; develop the navy to protect the mercantile marine".[1] Colbert thought out these plans and others in minute detail, and then took office and put them into practice; and Colbertism is a demonstrated policy which can be treated almost with the precision appertaining to a physical science.

The English way was different. English statesmen were not original or even logical thinkers. They did not construct a system and subordinate all means to its perfecting. Subjectively and consciously, they may have had no permanent policy for the advancement of the State, but only a number of expedients, temporary and shifting: yet, objectively and in practical effect, a policy is there. The drift of English opinion was powerful and unmistakable, and opportunists were more sensitive to it than abstract thinkers would have been. The views of an army of pamphleteers and memorialists, from the fifteenth century onward, are on record. Their cumulative effect is traceable, without any straining of the truth, in the actions of statesmen from Henry VII to the Restoration. And the Puritans of the Interregnum,

[1] Weber, H., *La Compagnie française des Indes*, p. 100.

freed by circumstance from many shackles of the past, brought them more fully to the stage of action than the Stuart kings had been able to do. To that extent the Puritans may be credited with working out a policy for the old colonial Empire, although they often acted upon principles they might themselves have been puzzled to formulate.

The past had a great influence upon these conservative revolutionaries, who in the political sphere conceived themselves as fighting, not to overturn their world, but to rescue the ancient liberties of England endangered by a usurping tyranny. They were as well versed in their country's history as in her laws. Their minds were steeped in the glories of the Elizabethan Age when, as it seemed to them, Protestant England was free and united and her name had rung through the world. Their present task of destruction was hateful to them; they shuddered at the things their duty called them to do. Nine men in every ten of them were horrified at the execution of the King. "I have sought the Lord that He would rather slay me", said Cromwell in 1653 as he expelled the Parliament, "than put me upon the doing of this work."[1] It was with relief that they turned to the external task of building an empire of the sea in fulfilment of the Elizabethan promise. The gospel of that empire was ready framed. Hakluyt and Peckham, Gilbert and Raleigh, Malynes and Mun and many another had laid it down in phrases which they knew by heart. The doctrine was so much the fabric of all their minds that they had little need to write each other minutes upon it. Recent influences, too, bore weight with them, things they had seen in their own time. The shameful story of Amboyna and other harsh proceedings in the East had engendered in many a resolve to settle accounts with the Dutch. This was a cross-current giving rise to confusion of purpose, yet strong enough to leave its permanent trace upon policy. It conflicted with, and momentarily overcame, the mightier impulse to do battle with Antichrist in the shape of the Catholic Powers, to create a Protestant alliance in which England's part should be to wrest tropical America from the hands of Spain and to divert its wealth to the service of the godly people of the world. The Commonwealth, fighting for its life, was patriotically materialist and anti-Dutch. The Protectorate, having achieved a breathing-space, could afford to be idealistic, although it could not keep its idealism untainted by sordid motives. The economic view, therefore, will not alone illuminate the policy of the Puritans. Patriotism and religious fervour must enter into the calculations of those who would seek to appreciate their work for the Empire and to understand wherein and why they succeeded and failed.

When, a few weeks after the death of Charles I, the Rump enacted "that the People of England and of all the dominions and territories thereunto belonging are...a Commonwealth and Free State", it

[1] Carlyle, T., *Cromwell's Letters and Speeches*, III, 195; Firth, C. H., *Cromwell*, p. 323.

was apparent that a struggle would be needed to make good the words. The monarchs, whether of Spain and Portugal in the west, or of Denmark and Russia in the east, were aghast at the tragedy of Whitehall; France patronised the royalist exiles and began an unofficial maritime war against English commerce; the United Provinces with their stadholder, a son-in-law of the dead King, sheltered his heir and recognised his right to the English throne; and, backed by the approval of all these Powers, Prince Rupert commanded a revolted squadron of the Commonwealth's fleet and set forth to continue the Civil War upon the sea. If the continent had been at peace, a coalition might have enthroned Charles II within a year. But, fortunately, France and Spain were engaged in a war which neither had any immediate prospect of winning; Spain also had not yet consented to recognise the independence of Portugal under the House of Braganza, and the stadholder, William II, had still to consolidate his position against the republican party in Holland, the wealthiest province of the Dutch Netherlands. The foreign enemies of the Commonwealth were thus at odds among themselves, and bold statesmanship might render ineffective their hostility to England. Meanwhile, within the British Isles, Scotland had dissociated herself from English courses and had proclaimed Charles II king, whilst Ireland remained in a welter of anarchy of ten years' duration, with the Royalists standing forth as the most considerable among her many factions.

The parliamentary party had always derived its main support from London, and London lived by carrying on three-quarters of the foreign trade of the country. Rupert and the royalist and French privateers were therefore foes of the first magnitude, whose suppression would be likely to tax the maritime resources of the Commonwealth. But before any steps had been taken to deal with them, news began to come in which showed that in default of yet more naval activity an entire lucrative branch of London's commerce would be cut off at its source. The western colonies, with the exception of New England, were, or were likely to be, in revolt. Of these colonies the most important in contemporary eyes were Barbados and the Leeward Islands—St Christopher, Nevis, Montserrat and Antigua. All of them had been, as we have seen, included in a proprietary province granted by Charles I to the Earls of Carlisle, and all had been left very much to their own devices since the second earl's power to control them had collapsed at the beginning of the Civil War. These island colonies had been founded as tobacco plantations, and in this business they had been so successful as seriously to endanger the prosperity of Bermuda and Virginia, the pioneer producers of tobacco. By 1636 tobacco had become a drug in the market and it had been advisable to look for a new staple. Cotton had for a time promised well, but was soon found to command only a limited market owing to technical difficulties in its spinning and weaving.

Then, just as the Civil War broke out, the Lesser Antilles found their vocation in sugar-planting, introduced by Dutchmen whose sugar industry in Brazil was being destroyed by the Portuguese reconquest of that colony. Sugar rapidly transformed the social aspect first of Barbados and then of the Leeward Islands. Its cultivation was best practised on large estates needing considerable capital for their equipment. The tobacco planters had been for the most part small twenty- or thirty-acre men, relying upon the labour of their own hands and of a few indentured white servants. The sugar estate was commonly of 500 acres, with labour organised in large gangs, with wagons and draught cattle, roller crushing machines worked by windmills or horse power, stillhouses containing great copper tanks and boilers, a *personnel* of overseers, clerks, engineers and coopers, and a dominating mansion for the wealthy owner of the whole.[1] The indispensable basis was soon found to be the negro slave, although a transition period of some twenty years elapsed before he had ousted the white servant as the standard unit of labour. For the fortunate few who moved with the times an era of dazzling profits set in, and, had the Empire been at peace, the manufacturers, merchants and slave traders of the mother country would have shared the gains with the planters. In fact, a small band of London merchants did participate in the sugar boom, but rather because they had been wise enough to buy sugar estates and instal agents to work them than because the new trade as a whole flowed through the London custom house. For the Civil War had relaxed imperial control and had reduced to a dead letter the regulations of Charles I which had sought to confine the colonial traffic to English ports. In the main it was the Dutch who engrossed the new trade of the Caribbean. The capitalists of Amsterdam were bigger men than their London competitors. They gave long credit, equipping the planters with the new machinery and with slaves from the West African stations which they were wresting from the Portuguese. The London interest in the transformed colonies was therefore inferior to that of Amsterdam, and the most promising of all the imperial undertakings was rapidly falling within the economic sphere of the United Provinces.

Politically also, the English connection was almost dissolved. The Earl of Carlisle was a royalist, and the parliamentary statesmen had suspended his proprietary rights, although they had as yet hesitated to make a final decision by annulling them. The planters had no love for the earl, and cheerfully pocketed the dues which they owed him; but they had no mind to submit to the control of Parliament without compulsion, for they knew very well that the established colonial doctrine would require in some form or other the restriction of their trade to English channels, and they had now come to regard an open trade as necessary to their prosperity. They assumed,

[1] See Ligon, R., *True and Exact History of Barbados*, London, 1657.

therefore, an attitude of detachment and intimated that the factions in the mother country must compose their differences before they, the colonists, could think of recognising either King or Parliament; meanwhile, they would govern themselves.[1] Barbados in this matter voiced the feelings of the rest. It was a galling impertinence for the victors of Naseby to receive from a unit no larger than the Isle of Wight, but it had this justification, that Parliament had then no fleet to spare for the Caribbean.

The continental Plantations, Virginia and Maryland, were of less importance in the imperial scheme. Virginia in 1649 had only half the population of Barbados, and Maryland bore much the same relation to St Christopher; moreover, there had been in them no economic revolution like that which brought sudden wealth to the Caribbees. In Virginia the tobacco economy had been perforce adhered to, and, partly by reason of favourable customs rates, partly owing to the absence of proprietary tyranny like that of the Earls of Carlisle, the Virginian planters had attained a condition of modest prosperity. Local legislation had favoured the growth of a class of substantial planters. Royalist sentiment predominated, largely through the influence of Sir William Berkeley, a popular Cavalier appointed governor by the king in 1640: but it was a royalism which had no enthusiasm for close imperial control, for Virginia had always had a hankering after trade with the Dutch, and could indulge it without restraint when the wars began at home.[2] Maryland suffered from religious dissensions leading to revolt by the Puritan party against the representatives of Lord Baltimore, the Catholic proprietor. For some time the rebels were in the ascendant, but by 1649 the proprietor's interest had regained strength with the result that the colony declined to recognise the authority of Parliament. The step represented the local triumph of a faction and was taken against the wish of Baltimore who, from his standpoint in England, saw clearly that an ephemeral success would be dearly bought in the outcome. The tobacco colony of Bermuda suffered from like dissensions, but from a different cause. It was the property of a chartered company, most of whose members were on the parliamentary side. Dislike of the Company's rule thus encouraged royalism among the colonists, for the victory of the King might offer a chance of the dissolution of the Company.

The above considerations clear the ground for an estimation of the colonial revolt which broke out in 1649–50 against the newly declared Commonwealth. Although royalist sentiment played a certain part in it, the stronger motive was impatience of any imperial control.

[1] Governor and Council of Barbados to the Parliamentary Commission for Plantations, October 1646, *Lords' Journals*, IX, 51.

[2] Act of Virginia legislature, 1643, legalising Dutch trade. Beer, G. L., *Origins of Brit. Colonial System*, p. 350.

Since 1642 the colonists had enjoyed political autonomy and an open trade with all the world; and so long as King and Parliament were at war that liberty was unassailable. But now that the Roundheads had won, their backers among the London merchants would be certain to demand a reimposition of restrictions; and the planters revolted, not against the Commonwealth as such, but against the overlordship of the English mercantile interest. Since, however, rebellion needs the spur of moral enthusiasm as well as of material advantage, the royalist standard floated over the movement. But had the King been victorious, it might well have fallen to him to despatch an expedition to reduce colonists resisting him in the name of the Bible and liberty.

Virginia, Maryland and Bermuda all repudiated the Commonwealth in 1649. In the Caribbee Islands the revolt was limited to Barbados and Antigua and was delayed until the following year. In Barbados it was more determined than anywhere else, partly by reason of the density of population and the defensibility of the coast, partly because a really fanatical royalism actuated the leaders and lent moral strength to the economic calculations of the rest. The island had become the chosen home of royalist refugees from England. Its own preference hitherto had been for the neutral attitude it had formerly expressed, although it was quite ready to resist any attempt from home to curtail its liberty. But in the spring of 1650 the royalist faction overruled Philip Bell, the governor, and banished the known Puritans of the community, fining and confiscating to a merciless extent. In the midst of these proceedings there arrived Francis, Lord Willoughby of Parham, with a commission from Charles II and a lease of the Caribbean proprietorship from its nominal owner, the Earl of Carlisle. Willoughby took command and proclaimed the King, and afterwards went on to secure the Leeward Islands. He was successful at Antigua, which had been developed largely by Barbadians, but failed at St Christopher, Nevis and Montserrat. St Christopher, since the death of its founder Sir Thomas Warner in 1649, had been governed by Major Rowland Redge, who determined to maintain neutrality; Nevis and Montserrat, connected with it by personal ties, followed its example. Willoughby returned to Barbados to organise an active defence, by which he hoped at least to bring the Commonwealth to a compromise. Thus, with Prince Rupert still at large, the Civil War had entered upon an oceanic phase in which it was by no means certain that the Commonwealth would be able to bring its crushing military force to bear upon its opponents.

During these events New England maintained essentially the same attitude, modified only in externals, as that of her southern fellow-colonies. The New Englanders were Puritans by religion and certainly not Royalists, and so lacked any ostensible cause of quarrel with the Puritans of England. But they had achieved as complete an autonomy as had the royalist planters of the south, and they had no

more intention of surrendering it to their friends at home than had those royalist rebels to their enemies. Massachusetts had instantly perceived the implication of the Parliament's claim to be the paramount authority in the Empire. As early as 1642 she had declined an offer of favourable legislation by the Puritans at Westminster "lest in after times. . . hostile forces might be in control, and meantime a precedent would have been established". The New Englanders had felt quite competent to deal with a distant King, whose prerogative could be little more than a name in colonies which appointed all their own officers of state, but to be subject to the English House of Commons might mean the ultimate relinquishment of colonial rights of legislation. New England was therefore verbally cordial to the Commonwealth, whilst letting it be understood that she would submit to no interference with her liberties; and since she had no very valuable trade with Europe there was the less incentive for English statesmen to molest her.

Such were the problems confronting the new Commonwealth—European disapproval, Scottish and Irish hostility, maritime war with Rupert and the privateers, and finally, the colonial revolt—and we have now to turn to the principles and methods of its statesmen in dealing with them.

The principles, as has been said, were of no recent growth. On the economic side, they were directed to the increase of the national wealth and can be grouped under the designation of the mercantile system. But mercantilism, as the term is commonly employed, had a wider scope than the mere acquisition of wealth. Wealth needed defence, and thus the defensive power of the nation must also come within the purview of the economist. Foreign trade could never be secure without the shield of a powerful navy, but at the same time it seemed possible to arrange by suitable legislation that trade itself should produce some of the elements of which naval power was composed. In earlier times the warship had been simply a merchantman adapted for the purpose, and the idea still held force that the possession of large merchant ships was a national asset; for the dockyards which could build them could also build warships. There was thus an incentive for mercantilists to promote those trades which employed large ships—that is, the long-distance colonial trades. Still more strongly did this motive work with respect to the men. The man who could sail a merchantman could sail a warship, and gunnery was a craft whose rudiments were easily acquired. The State needed thousands of seamen in time of war, but could not afford to pay them in time of peace. Therefore it was essential to promote the employment of seamen in commerce, and the commerce of long voyages was the best for the purpose, since it occupied more men than that of short voyages for the transportation of a given quantity of stuff. In another aspect considerations of defence required that the country

should be self-sufficing and not dependent upon foreigners for certain indispensable wares. Naval stores—masts, pitch, cables and cordage—were in Europe, as has been stated in earlier chapters, the monopoly of the Powers controlling the Baltic coasts, and so mercantilist statesmen were never weary of planning the acquisition of colonies wherein these goods should be produced under the national flag. So also dependence upon foreigners for any other class of goods which the national colonies could be made to supply was held to be an avoidable weakness.[1]

The interpretation of an agreed body of doctrine is influenced by the special desires of those who stand at the statesman's elbow. After 1649 the predominant voice in Government councils was that of the City interest—not only of the investors who had constituted the great chartered companies, but also of the individualist merchants in unincorporated or interloping trades, a class which had never before been so numerous and influential. Under James I and Charles I there had been a strong court interest in commercial and colonial affairs—the owners of proprietary grants and trading monopolies, the farmers of the customs, and the stockholders in certain chartered companies, such as that for the Amazon and Guiana, but this was now entirely eclipsed, and the Commonwealth leaders had ears only for the views of the City. Hence a body of opinion found expression which was hostile to colonial proprietorships and even to the chartered companies, such as the East Indian and African, although these had derived much of their support from the City. Particular monopolies of all sorts were attacked in the name of fair play for all, and the individuals who during the Civil War had infringed them with impunity hoped to continue to do so. But the tendency was only to seek freedom of enterprise as between Englishmen, and the monopolist spirit demanded all the more strongly that restrictions should be placed upon the enterprise of foreigners within the English sphere of control. Stuart rule, in short, had favoured particular monopolies; Commonwealth rule was to favour national monopolies.

Before considering the extent to which these ideas were put into practice, it is necessary to pause for a moment to observe the administrative mechanism employed. Until the outbreak of the Civil War, oceanic trade and colonisation had been matters under the royal prerogative, and Parliament had never clearly established its right to intervene in them. In 1643 Parliament had appointed a strong Commission, under the presidency of the Earl of Warwick, to take charge of the colonies and their trade, but circumstances had prevented its power from being effective. Warwick's Commission ceased to function after the execution of the King, when the Council of State became the executive authority for all branches of the administration, the colonies being expressly placed under its care by an Act of 13 February 1649. The

[1] See Beer, *passim*.

Council of State acted through committees of its own members, sometimes assisted by outside experts in the various branches of business. At first the colonial committees were indiscriminately manned, but in December 1651 the Council appointed a standing committee for trade and foreign affairs, whose members included Cromwell, Vane and Haslerig, old members of Warwick's Commission. This body transacted most of the colonial business until the fall of the Long Parliament in April 1653. Another committee which also had dealings with oceanic matters was the Committee of the Admiralty, the successor to the duties of the Lord High Admiral of the old administrative system. In addition to these authorities, Parliament made in August 1650 an attempt to create a permanent department by appointing a Council of Trade (and, in practice, of Plantations) under the presidency of Sir Henry Vane. This body had in theory complete powers over all branches of trade, fisheries and colonies, and also over the customs, excise and exchanges. For a year it was very active, and then it gradually resigned its functions to those committees of the Council of State which it had never entirely superseded. Thus it may be seen that, although there was multiplicity and overlapping of authorities, there was as well a full opportunity for questions of policy to be aired and developed; and the fact that active individuals served on more than one body simultaneously may have lessened the inevitable confusion. Among the outsiders called in to assist may be noted the names of Martin Noell and William Pennoyer, merchants doing large business with the western colonies, and of Maurice Thompson, whose interests extended to the East Indies as well as to the Caribbean. With the establishment of the Protectorate in 1653, the Protector's Council superseded the Council of State, and the colonial administration was carried on with very little change.[1]

The outcome of the attention devoted to maritime affairs may be seen in the Navigation Acts of 1650 and 1651. The former has not until recent times received the consideration its importance demands, chiefly because its true intention is not apparent on a cursory reading. On 3 October 1650, some two months after it was known that Barbados had defied the Commonwealth, Parliament passed an Act to meet the situation. The preamble is worth quoting, for it states an imperial doctrine: whereas, it runs, there are in divers places in America[2] colonies "which were planted at the cost and settled by the people, and by authority of this nation, which are and ought to be subordinate to and dependent upon England; and hath ever since the planting thereof been, and ought to be, subject to such laws, orders and regulations as are or shall be made by the Parliament of

[1] See Andrews, C. M., *British Committees, etc., of Trade and Plantations*, 1622–75, pp. 23–35.

[2] By contemporary usage, "America" included the West Indies.

England,...be it enacted", etc. The enacting clauses may be summarised as follows: (1) prohibition of all trade, by foreigners and others, with the rebels in Barbados, Bermuda, Virginia and Antigua; (2) prohibition to the ships of any foreign nation to trade without licence with any of the English Plantations in America, the object being "to hinder the carrying over of any such persons as are enemies to this Commonwealth"; (3) power to the Council of State to settle governors and make other political arrangements in the Plantations, "any letters patents, or other authority formerly granted or given to the contrary notwithstanding".[1] Seldom has so much revolutionary matter been compacted into a document so small and of so innocent an appearance. Ostensibly, the Act is an ephemeral measure of emergency against a set of rebels; and as such it was accepted at the time of passing, for it seems to have drawn no protest except from the rebels in question. Yet it embodies an affirmation of three separate doctrines or policies, all novel or hitherto unaccepted, and it contains no provision that its validity shall come to an end with the rebellion which has evoked it. The three principles are: the doctrine, countered eight years before by Massachusetts, that Parliament has supreme legislative power over the colonies;[2] the absolute prohibition to foreign shipping to trade, not merely in the rebellious, but in all the colonies; and the nullification of all proprietary or chartered company rights at the discretion of the Council of State. All this is hung upon the peg of a rebellion in four colonies, and the artifice of implying one thing whilst saying another is the better appreciated on a study of the text, in which the clauses of permanent effect are expressed in a few words and placed in subordinate positions. Surely there was never a thinner excuse for permanently closing the colonial trade of a substantial empire than that it was done to hinder the transit of disaffected persons. This Act remained in force until the Restoration.

Encouraged, no doubt, by the absence of any protest from the foreigners affected (for the first seizures of ships contravening the Act seem not to have been made until the close of 1651), the Commonwealth statesmen proceeded after a year to a further measure, the Navigation Act of 1651. The preamble is short, but again is worth quoting, for some waste of ink would have been avoided had all commentators weighed it. It says simply: "For the increase of the shipping and encouragement of the navigation of this nation, which under the good providence and protection of God, is so great a means of the welfare and safety of this Commonwealth, be it enacted", etc. The provisions are: no goods from Asia, Africa or America to be brought into England, Ireland or the Plantations, save in English (including Irish and colonial) ships, the majority of the members of each crew being English; no goods from Europe to be brought into

[1] *Acts and Ordinances of the Interregnum*, ed. Firth and Rait, II, 425–9.
[2] *Vide supra*, p. 179.

England, Ireland or the Plantations save in English ships or foreign ships of that country "of which the said goods are the growth, production or manufacture"; foreign goods brought in by English ships to be brought only from the place of origin, as above defined; salt fish, fish oil and whalebone to be brought in solely in English ships; the above fish, etc., to be exported from English territory solely in English ships; and the trade from one port to another "of this Commonwealth" to be reserved solely to English ships. Exceptions are allowed as follows: English ships to be permitted to bring from countries in the East Indies and the Levant goods which have not been produced in those countries; English ships to be permitted to bring from Spain and Portugal goods produced in the colonies of those countries; and lastly, English ships may bring silks of Italian origin from the ports of the Dutch and Spanish Netherlands.[1] The prepossessions of nineteenth-century economics have vitiated modern criticism of this measure. Modern economists have almost with one accord[2] declared that it must have been harmful to the trade of England or, at best, that there is no evidence that it benefited English trade. On this it may be proper to remark that there is also no evidence that the framers of the Act intended it to benefit English trade, or that they cared greatly if the result should be some diminution of it. For their measure was what they named it, an Act of Navigation, an Act for promoting the employment of English ships and English seamen; and that might well be consistent with some restriction of English trade in general, taken in a wide sense. Restriction lies in every clause, restriction mainly of the operations of foreigners, but also of many which could be carried on by English merchants. Realisation of this fact renders it useless to probe for the "interest" which might be supposed to have inspired the Act. The interest was that of the national safety and not that of any particular clique; and contemporary statements to the contrary emanate from jealous Dutch sources. Charles I had made many trading regulations for increasing the flow of colonial cargoes into English ports irrespective of the nationality of the shipping which carried them; under Charles II there was to be passed a Navigation Act combining that motive with the encouragement of the national shipping; but the Act of 1651 belongs solely to the economics of defence, and to judge it from any other standpoint is to misjudge it. How far it was successful in creating ships and seamen cannot now be determined, for the evidence has been swamped. First came the Dutch War with a flood of prizes, double the number of the pre-existent mercantile marine of England;[3] then came the Spanish War with very serious losses at the hands of enemy privateers; and much of the increase in the numbers of seamen

[1] *Acts and Ordinances*, II, 559–62.
[2] The American, G. L. Beer, is an exception to this statement.
[3] Oppenheim, M., *Administration of the Royal Navy*, p. 307.

must have been due to the requirements of the Navy. There was no chance for the Puritan Navigation Acts to show their value before they were superseded by other measures at the Restoration.

If the above view is correct, the Navigation Act of 1651 must be taken out of the category of commercial measures and placed amongst the efforts made by the Commonwealth to equip the country with a sea power adequate to its security. That work went on without intermission from the beginning of 1649. It seems to have been inspired by the necessity of hunting down Prince Rupert and of coping with the French and royalist privateers, and to have been furthered by the realisation that an ocean-going navy would be indispensable if England meant to regain her ascendancy over her colonies and their trade. The deficiency of sea power at the outset is attested by the fact that the colonial revolt endured for more than two years before it was suppressed. But the Council of State was aware of the weakness, and its Admiralty Committee worked unceasingly. In two years it doubled the material strength of the fleet and infused a new tone into the combatant ranks and the dockyard staffs, with the result that in a remarkably short time England regained the naval fitness and spirit she had lost during half-a-century of Stuart rule.

Concurrently with the reorganisation, an active campaign went forward against the maritime foes of the Commonwealth. As was stated earlier,[1] Blake drove Prince Rupert's royalist squadron from European waters; and it could not reach the West Indies until the revolt there had collapsed.

By the opening of 1652 the maritime civil war was virtually over, and the Commonwealth's energetic promotion of sea power had justified itself. In the autumn of 1650, whilst passing the Act prohibiting trade with the revolted colonies, Parliament took steps to organise an expedition to visit and subdue each of them in turn. The command was entrusted to Sir George Ayscue, who was also named one of a board of three commissioners for negotiation and political resettlement. Lack of shipping delayed the undertaking for nearly a year. Not until August 1651 did Ayscue sail for the West, and not until October did he reach Barbados, his first point of attack.

Meanwhile, the Act of 1650 had evoked a colonial rejoinder which anticipated the constitutional arguments of the Americans under George III. In February 1651 Lord Willoughby, the royalist governor of Barbados, passed with the concurrence of his council and Assembly a declaration to the effect that the recent Act was prejudicial to the freedom and safety of the colonists, who had themselves made no innovations, but were bent merely upon maintaining their established form of government; and that the colonists would not consider binding the enactments of a Parliament in which they were not

[1] *Vide supra*, p. 133.

represented. The Act of 1650, with its assertion of the sovereignty of Parliament, and Willoughby's declaration, based on the established constitutional rights of Englishmen, illustrate the dilemma of the old colonial Empire. But it is characteristic of the political methods of the race that this dilemma, although never escaped, never became troublesome except when complicated with a dispute over material interests. That dispute, in the present instance, related to trade, and the Barbadians concluded their manifesto by placing on record their gratitude to the Dutch for commercial benefits received at Dutch hands.[1] Without this, it is doubtful whether Willoughby would have obtained much support; for the royalist faction, although energetic, was small, and there was among the planters hardly one genuine adherent of the proprietary claims which he represented.

Ayscue, on arriving at Barbados, found its military strength considerable. The coastline offered few landing places, and Willoughby had under arms seven or eight times as many men as the admiral could hope to disembark. A pause of three months ensued, during which the pressure of blockade did its work. At the outset Ayscue seized a number of Dutch merchantmen whom he found trading in contravention of the Act of 1650. As time went on, the planters saw themselves faced with ruin, and the moderates among them, with motives rather economic than political, at length compelled Willoughby to yield. The articles of surrender, signed on 11 January 1652, provided that the island should receive a governor appointed from home, but that there should be no taxation save that imposed by the Assembly, and that trade with friendly nations should be free. The sense of the latter phrase was left undefined, and was in practice interpreted as subject to the Acts of 1650 and 1651. Free trade with foreigners, therefore, meant trade conducted solely in English ships. The colonists afterwards protested, but there can be little doubt that they had understood the condition; it had been vital to them to get rid of the existing blockade, even at the expense of agreeing to a future restriction which might not be seriously enforced. Willoughby and other extremists were banished, the proprietary rights were annulled, and Barbados was left under the governorship of Daniel Searle, one of Ayscue's fellow-commissioners.

Bermuda had abandoned the revolt on hearing that the expedition was at sea, and Antigua's submission quickly followed that of Barbados. A small squadron with a separate body of commissioners entered Chesapeake Bay in March 1652. Berkeley and the ultra-Royalists of Virginia made a show of resistance, but the public opinion of the colony was against them, and articles were signed without hostilities. They included the same clauses on freedom of trade and taxation as the Barbados agreement, and Richard Bennett, one of

[1] See Schomburgk, Sir R., *History of Barbados*; Davis, N. D., *Cavaliers and Roundheads in Barbados*; and Harlow, V. T., *Hist. of Barbados*, 1625–85, chap. ii.

the parliamentary commissioners, became governor. But the Interregnum statesmen showed little interest in the internal affairs of Virginia when once she had acknowledged their authority, and Bennett's successors until the Restoration were elected by the Assembly. No objection was raised even to Berkeley's residence in the colony, and he remained as a private individual until he resumed office under Charles II. A single warship ensured the submission of Maryland, which also was left thereafter very much to its own devices. The Chesapeake Plantations, penetrated in all directions by navigable creeks, offered conditions the exact opposite to those presented by the convex coastline of Barbados. A few cruisers could paralyse resistance, and there was no point in imposing harsh terms upon colonists who admitted its futility.

The subjugation of the colonies provided the first example since their foundation of the employment of the Navy as a link of empire. It may be regarded as an important branch of the new imperial policy which was taking shape and which was to be developed after the Restoration. On the other policies laid down in the Act of 1650, it may be said that, having established in theory the principle of parliamentary supremacy, the Commonwealth made little attempt—none, indeed, outside Bermuda and the Caribbean islands—to interfere in practice with local autonomy; that it did partially annul the chartered rights conferred by the Stuart prerogative, abolishing completely those of Carlisle and Willoughby, suspending those of Lord Baltimore, and reconstructing the Bermuda Company, but leaving untouched the privileges of Massachusetts; and that it made serious but incomplete attempts to put in practice those clauses of the Navigation Acts that affected colonial trade. The efficacy of those attempts is a debated question which is probably incapable of settlement. All that can be said is that there was some enforcement and some evasion of the monopoly granted to English shipping.[1]

The chief imperial interest of the Commonwealth is in the framing of a domestic policy for the Empire; the interest of the Protectorate lies in the relations of the Empire towards foreign Powers. Here also some principles emerge which can be traced as of more or less continuous application, helping to elucidate some of the transactions of the eighteenth century. Between the domestic and foreign policies, Anglo-Dutch relations form a connecting link, since the Dutch, although foreigners, had entrenched themselves so deeply within the boundaries of the Empire as almost to share the interests of its subjects. The Dutch have often been thought of as one of the great colonising nations of the world, but the truth is that they were not pre-eminent as colonists, nor even as rulers of native dependencies, save for one purpose, that of trade. Trade was the means and the end of Dutch greatness, and Dutchmen overseas lacked both the religious fervour

[1] Beer, pp. 391–9.

which palliated the gold lust of the Spanish pioneers, and the capacity for establishing new polities of the parent type which rooted the English at so many points in the West in the space of a single generation. As against these deficiencies, the Dutch had an unsurpassed faculty for recognising and seizing the strategic positions of world trade, for exploiting the services of native races, and for developing those business methods which enabled them to enter into the fruits of the colonial enterprise of others. The history of the Atlantic area in the seventeenth century justifies these remarks. The Dutch colonies in it were few and feeble: the progress of New Amsterdam, with its 7000 inhabitants after fifty years of effort, cannot compare with that of New England; in the West Indies the Dutch produced no such lusty communities as Barbados and St Christopher; and in Brazil they failed to establish a colony by conquest, although sea power and initial success gave them every advantage. But they did succeed in planting an excellent system of trading posts. In that capacity New Amsterdam was a success, attracting to itself the produce of its populous English neighbours; so also were St Martin and St Eustatius, adjoining the English and French Antilles, and Curaçoa, giving facilities for an illicit trade on the Spanish Main. In the mouths of several Guiana rivers the Dutch built fortified factories where they collected valuable wares from the natives. And in West Africa they ousted both Portuguese and English from the best slaving stations, capturing Elmina in 1637 after Portugal had held it for close on two centuries. The Dutch West India Company, founded in 1621, presided over these activities. Like most chartered companies it failed as a patron of colonies, but it did succeed in its maritime operations against Spain and Portugal and went far towards realising the policy of monopolising the trade of the Atlantic whilst leaving others to colonise its shores.

Enough has already been said to show that the Commonwealth's determination to be master of its own colonies and of their trade contained the seeds of a quarrel with the Dutch; and on more general grounds there was the certainty of rivalry if the maritime advance of England should fulfil the promise of its promoters. The mercantilist habit of mind, which regarded commerce as a kind of warfare, was bound to accentuate this tendency. Politics moved in the same direction. The stadholder, William II, succeeding to his office just as the treaties of 1647–8 brought the Thirty Years' War, and with it the Dutch-Spanish contest, to a close, was known to be dissatisfied with the peace. He wished to join France in still further humiliating Spain; both he and the French court had personal reasons for seeking to avenge Charles I; and France was already virtually at war with England upon the sea. These circumstances, coupled with the Portuguese patronage of Prince Rupert in the early part of 1650, seemed to indicate a coalition of three Powers against England and Spain,

in which the Dutch might hope to restore the Stuart monarchy and draw their profit from the spoils of the Atlantic. To one element in the Commonwealth such a contest seemed inevitable and not unwelcome. But on both sides there was another element. The rich province of Holland was republican in feeling and not eager to further the ambitions of the stadholder, and some of the magnates of Amsterdam worked quietly to avert war; they were profiting well by the existing state of affairs in which they were free to trade with the English colonies, and they did not realise how soon the Commonwealth meant to curtail their opportunities. In England also there was an influence for peace. To the ardent Puritans of the army, men who had no personal interest in overseas trade, war with the most Protestant nation of the continent was abhorrent. They wished rather to promote a great anti-Catholic league. To these idealists, Cromwell among them, it seemed feasible to effect a close alliance with the Dutch and to settle the oceanic differences by some delimitation of spheres of influence. The sudden death of William II in October 1650 clarified the situation. The Dutch Netherlands became fully republican and ceased to be bellicose, and the English peace party were able to despatch a mission to the Hague to negotiate an alliance.

The mission was from the outset a failure. Its leaders, Oliver St John and Walter Strickland, were annoyed by the insults of exiled Royalists who mobbed them at the Hague, and they soon made up their minds that they could effect no useful treaty with the Dutch. The English demands were in the first place for a defensive military alliance and the expulsion of the Royalists. If they could obtain these, the ambassadors were further charged to propose some form of political union between the two republics. The latter project never came under discussion, for the Dutch rejected the former as one-sided: England, with the Battle of Worcester yet unfought, would claim the immediate assistance of an ally, whilst the Netherlands were in no danger of attack from any quarter. Moreover, there were no disaffected Dutchmen to be turned out of England in recompense for the expulsion of the English Royalists from Holland. The Dutch therefore countered with proposals of their own for the regulation in their favour of fishing rights in the North Sea, of the maritime law of contraband, and of colonial trade. On the latter subject, in particular, their suggestions were as inadmissible as those of the English, for they proposed a mutual freedom of trade in the American and West Indian settlements. With their own poor colonies but huge mercantile marine, they stood to gain all and give nothing in trade with the rich colonies of England and in competition with her much less advanced mercantile organisation. By midsummer of 1651 the negotiations had reached a deadlock.[1]

In England, suddenly awakened to the mercantile possibilities

[1] For the negotiations in detail, see Gardiner, I, 322–9.

of the East and the West, there were only two courses that could be pursued towards the Dutch: alliance and a division of the mercantile arenas, or war for supremacy in all of them. The religious interest had prompted the policy of alliance, now discredited; the mundane interest was thus free to force a contest. The Navigation Act of October 1651, passed a month after the pacification of the British Isles by the victory of Worcester, marks the predominance of the new attitude. It is to be regarded, however, less as a declaration of war than as a measure for strengthening the Navy for a contest considered on other grounds to be inevitable. The Dutch certainly did not take it as a cause of mortal quarrel. They had coolly infringed many an English trading regulation in the past and counted on doing so again, and they held, in common with most modern economists, that to English trade the Act would be rather damaging than the reverse.[1] They were at this time curiously blind to the naval menace which had so suddenly arisen on the western side of the North Sea, and they felt few qualms about the security of their world-wide commerce; for them English sea power was the sea power of the Stuarts, well-nigh as contemptible as that of Spain or Portugal. Thus they moved without foresight into a war whose immediate causes were disputes capable of settlement by negotiation—the law of contraband, and the English claim to the salute by foreign ships in the narrow seas. The contraband question arose out of Anglo-French hostilities. English cruisers were retaliating for the depredations of the French privateers; French merchants were shipping their goods for safety in Dutch bottoms; and the English courts were condemning such cargoes as lawful prize. Goodwill, which could have adjusted the matter, was smothered by mutual contempt and aggressiveness, and when, in May 1652, a commerce-protecting squadron under Van Tromp encountered a squadron under Blake, the salute was refused, blood was shed, and the Dutch War began.

Certain outstanding circumstances of the war can alone be noticed here. The Dutch statesmen had neglected their fleet, and still more its administration, so that their capable admirals were hampered by lack of means. English trade was small compared with Dutch, and the English warships could devote most of their energy to commerce destruction, taking about 1500 prizes in the course of the two years' struggle. These injuries were proportionately the more damaging to the Dutch, since foreign trade was a necessity of their national life, whilst for England it was a source of wealth, but not yet of bare livelihood. But in one respect the great Dutch trade proved a fighting asset, for it ensured a plentiful supply of seamen, whilst the English fleets were often undermanned. This fact made a lasting impression on English statesmen and confirmed them in the policy of the Navigation Acts. Geographical conditions, as has often been pointed out,

[1] See Clark, G. N., in *History*, VII, 282–6.

were permanently in favour of England, which lay athwart the tracks of Dutch commerce. But to this there was an exception in the Baltic trade. There the Dutch secured the advantage and in January 1653 signed a treaty with Denmark whereby the latter Power undertook to exclude the English from the Sound and from the supplies of naval stores to which it formed the only access. This difficulty caused the Commonwealth not only to seek friendship with Sweden but also to stimulate the production of naval stores in New England and other suitable colonies, a policy which led to a system of bounties and other special aids enduring into the nineteenth century. These measures never completely solved the problem, and until wood gave place to iron, and sail to steam, the Baltic remained a prime anxiety with English foreign ministers.

During the war Cromwell expelled the Long Parliament and with the aid of the army leaders established himself as Protector. At once the alternative policy, from which Puritan thought had momentarily swung away, came again to the fore; and the Protector determined to end the Dutch War as soon as possible on the ground that it constituted a betrayal of religion. Haggling over terms delayed the end for a year (until April 1654), for the English knew quite well that their enemies needed peace, and were determined to make them pay for it. At length a treaty was signed providing for a defensive alliance, the continuance of the salute in British waters, the exclusion of the Stuarts from the United Provinces, the maintenance of the Navigation Acts, and moderate compensation for past injuries suffered by the London East India Company. The peace reflected the fact that the Dutch had been beaten but not routed, and it was disappointing to Cromwell in that it contained no promise of the aggressive Protestant coalition which appealed so strongly to his imagination. Its most valuable concomitant was an agreement with Denmark (September 1654) abolishing the privileged Dutch position in the Baltic and providing that English shipping should pay no higher dues in the Sound than the shipping of any other non-Baltic nation. The Dutch War had embarrassed the finances of the English Government, but had inflicted less economic loss upon the country than might have been expected from the severity of the fighting. It had not wholly decided the question of ultimate maritime supremacy, for Cromwell desired to utilise Dutch sea power rather than to extirpate it. A proposal drawn up with his approval during the negotiations reveals his own ideal of an oceanic policy. It embodies the scheme of the Protestant League against the Catholic Powers, a league to be supported by the joint fleets of England and the Netherlands, monopolising the colonies and oceanic trade of the world. The Dutch were to buy out the English East India Company and to enjoy the whole commerce of the Indian Ocean. The two Powers were to conquer all the shores of America and West Africa, the slaving posts of the latter being divided, and all

America except Brazil falling to England. So might Antichrist be chained with golden fetters of his own forging, in the manner dreamed of by the Elizabethans. The plan was idealistic, but it rested on brute force, and the force would inevitably have been diverted to baser ends; for Cromwell was too old and too much hampered to have remained long enough in control. Perhaps he was himself conscious that it was all a dream, for he did not persist, and the war ended in the prosaic manner already described.[1]

If an Anglo-Dutch partition of oceanic wealth was impracticable, Cromwell was nevertheless determined to advance the Protestant interest in Europe and to use for that purpose the land and sea power which had fallen into his hands. This gives a unity to his foreign and imperial policies, and causes the latter to assume some elements of a permanent nature. It has been held that Cromwell carved his way to power on domestic issues and then mishandled international questions of whose bearings he was ignorant. In the oceanic sphere this is unjust. His mind was steeped in the Elizabethan tradition, and he had a long practical acquaintance with colonial affairs. In European politics, it may be admitted, his views were out of date, for he still thought in terms of the religious conflict which had really ceased to be the mainspring of men's actions, and failed to realise that the Counter-Reformation had spent its force whilst the nationalist ambitions of France were to dominate the future. In reality the oceanic factor redeemed his policy from futility, for here he was in accord with a permanent English instinct, rooted in the past and reaching forward into the times to come. An enumeration of a succession of British adventures will illustrate the continuity. The Elizabethan raids in the Caribbean; the establishment, in the period 1604–42, of colonies in that area and near its entrance and its exit, of Guiana posts, of half-a-dozen island settlements, of Virginia and Bermuda; the discussion in the same period of plans for an English West India Company; Cromwell's "Western Design"; the Darien Scheme; the South Sea Company and its Asiento concession; the War of Jenkins's Ear—these are all links in a chain, successive aspects of an abiding ambition to divert to British coffers the wealth of Spanish America. Cromwell could not know the future, but he knew the past and based his actions on that knowledge. He had been a close associate of Pym and the Earl of Warwick and other Puritan leaders, who had formed the Providence Company in 1630, and in colonising that island had thrust an English wedge deep into the Spanish monopoly of the western Caribbean. Again, under Warwick he had been a member of the parliamentary commission for Plantations formed in 1643. Warwick had tried hard to hold the English Caribbean islands to their allegiance, had patronised privateers who preyed upon the Spanish colonial trade, and had sent out pioneers to

[1] For the Dutch and Danish negotiations see Gardiner, vol. II, chaps. xxx, xxxi.

colonise Tobago and Trinidad in 1638–47. Warwick and William Jessop, the secretary of the defunct Providence Company, had borne a leading part in organising the expedition which recovered Barbados in 1651–2, whilst Cromwell had been a member of the Committee of Trade and Plantations sitting at that time. And now, at the beginning of the Protectorate, Warwick, still the friend of the Protector, was resigning the lead into his hands. These were the bases of the "Western Design".[1] The whole policy of the Protectorate was to weaken Spain, the Catholic Power, and to divert her colonial wealth to Protestant uses. On the European side it was but slaying the slain, but on the oceanic, if for Catholic we read Bourbon, and for Protestant, British, the doctrine was that preached by the elder Pitt in 1739.

Cromwell saw the goal when he became Protector, but he had to do more than close the Dutch War in order to clear the way. His relations with Spain were complicated by those with France, for the two Powers were still engaged in the struggle which for the rest of Europe had ended in 1648. At the beginning of the Commonwealth, France had shown violent hostility towards the Puritans, whilst Spain, hating them fully as much, had yet offered them the hand of friendship. The stadholder's ambitions were directed as much against Spain as against England, and France and Portugal were obvious allies ready to co-operate with him. Spain therefore recognised the Commonwealth in 1650 and facilitated Blake's blockade of Lisbon by allowing him to base his fleet on Spanish ports; at the same time her anti-Puritan feeling showed itself in the shielding of the royalist murderers of Ascham, the Commonwealth envoy at Madrid. The death of the stadholder in the autumn of 1650 relieved Spanish anxieties for a time, yet it left the alliance of England still worth courting, for England could intervene with decisive effect in the Franco-Spanish struggle in Flanders. Many Puritans were on religious grounds more bitter against France than against Spain, for the former was thought to be persecuting her Huguenots whilst the latter had now no Protestant subjects to oppress. As the French depredations upon English commerce continued, it was an open question in the first two years of the Protectorate whether the anti-Catholic onslaught of England should be directed against Spain or France. Cromwell kept them both in uncertainty. Perhaps if Spain would have granted liberty of worship to Englishmen and free navigation in the West—"the two eyes" of Philip IV—the Protector would have forborne to revive the Elizabethan policy to which his own mind leaned. Meanwhile both Spaniards and French had been given cause to ponder the uses of England's sea power, for in September 1652 Blake had destroyed a

[1] See Newton, A. P., *Colonising Activities of the English Puritans*, especially the final chapter. This seems to modify some of the views expressed in F. Strong's "Causes of Cromwell's West Indian Expedition", *American Hist. Review*, IV, 228–45.

French squadron bearing aid to Dunkirk, and so had enabled a Spanish army to capture that fortress.

With the Dutch War concluded, the Protector had to make up his mind. For him, with his military record and his sense of a mission, there could be no standing still. Holding himself accountable for the use of the power which had been placed in his hands, he conceived that he must employ it for the advancement of England and of the Protestant interest, which in his eyes were identical. The only doubt was of the direction in which to strike. War against either France or Spain could be made to yield a Flemish conquest upon which to base an intervention in the affairs of Europe at large. War with France had also the attraction of enabling him to assist the Huguenots. But his secret agents soon convinced him that there was little basis for such an aim. The Fronde was not, as he had been tempted to believe, a war of religion, and there was hardly anything in common between English Puritanism and the opponents of Cardinal Mazarin. On the other hand, the actions of Spain in the West, viewed through English eyes, called out for vengeance. The conquest in time of peace of Tortuga (1635) and of the Puritan colony of Providence (1641) seemed unprovoked aggressions to one who honestly could not comprehend that Spain had regarded their establishment as an aggression. Several minor transactions had a similar bearing; and Philip IV would not hear of liberty of worship for Englishmen in his ports. So, after some months of negotiation with either Power, Cromwell decided in the autumn of 1654, not for regular war with Spain, but for a great reprisal raid in the Caribbean, the seizure of some important colony which, if the thing promised well, might grow into a conquest of Spanish America. The opening stage, he calculated, need not commit him to war in Europe, where he might still for some time postpone his choice of a foe. Mazarin had already swallowed the intervention at Dunkirk which had lost him that stronghold, and when in October 1654 news came that an English force had captured the French forts in Acadia, Cromwell declined to restore them and incurred no declaration of war from the cardinal. It seemed reasonable, therefore, that he should expect Spain to put up with similar treatment; but in that, as the event was to show, he miscalculated.

Thus the "Western Design" went forward, a feint in the major game of European diplomacy, but one planned to yield in itself solid results across the ocean. The plans were faulty, for Cromwell listened to advisers who were too optimistic, and he badly under-estimated the difficulty of the task. He was probably influenced by the statements of Thomas Gage, the author of *The English American*, a book which had a great vogue at the time.[1] In it the writer described, from personal observation, the feebleness and moral corruption of the

[1] See Gage, T., *The English American or a New Survey of the West Indies*, ed. A. P. Newton, Introduction.

Spanish colonial population, the rottenness of their defences, and the discontent of the natives under their sway. Gage was right so far as he went, but he did not tell the whole truth. For experience had already shown that the true defence of the Spanish colonies against English aggression lay not in men and guns, but in climate and pestilence. Of Cromwell's error it may be said that, believing the Spanish Empire to be a sham, "a Colossus stuffed with clouts", he sent out a sham expedition to conquer it.

He had no desire to lose in the West Indies the men who supported his authority at home. He planned therefore that the troops sent from England should number only 3000, and that their force should be doubled by recruits picked up in Barbados and the Leeward Islands. Actually the English part of the force did not exceed 2500 men, and those of poor quality. Few were trained soldiers, and the majority were civilians hastily impressed. This so-called army was hurriedly embarked at the close of 1654 without having once mustered in its entirety. As Gardiner has remarked, "It had not been by gathering a mob and styling it an army that Oliver had beaten down his enemies at Marston Moor and Naseby". The explanation lies in his under-estimate of the difficulty of the service and in the prevailing theory of emigration, which held that it was unwise to settle good men out of England. For in Cromwell's mind the conquest was to be merely incidental to the exploitation of the territories acquired, and the troops were to settle down in them as the first colonists. The warships were much better manned, and it was their seamen who did most of the real work that was accomplished. By the end of March 1655 the expedition had visited Barbados and the Leeward Islands and had enlisted about 3000 colonists, men who were even more dissolute and ineffective than those who had come from England.

The Protector's orders to Robert Venables and William Penn, respectively the land and sea commanders, were vague. They might begin by taking Porto Rico or Hispaniola and thence extend the movement to the other Spanish islands, or they might disembark on the Spanish Main and capture Cartagena and the adjoining coasts, or they might occupy an island and then try for Cartagena. He left it all to them and their fellow-commissioners to decide on the spot: "The design in general is to gain an interest in that part of the West Indies in the possession of the Spaniard, for the effecting whereof we shall not tie you up to a method by any particular instructions".[1] The orders were such as Cromwell himself would have preferred to receive, but they threw too much upon the shoulders of Venables, whose character was rather that of a subordinate than of a leader.

It is unnecessary to enter into the details of what followed. The story of the landing in Hispaniola and the disgrace at San Domingo is well known. By the beginning of May all was over in that quarter.

[1] Brit. Mus., Add. MSS, 11410, f. 41, printed in full in Watts, A. P., *Histoire des colonies anglaises aux Antilles*, 1649–1660, pp. 466–9.

The expedition then seized Jamaica, which could muster no more than 500 fighting men. All the English force was now needed for the work of colonisation: and since it was more demoralised than ever, there could be no thought of any further undertaking. Penn and Venables, notwithstanding their duty to remain and develop their conquest, returned to England, and Cromwell sent them to the Tower for deserting their posts.[1]

The "Western Design" had not yielded a tithe of its expected fruits. In Europe it produced results upon which the Protector had not calculated. He seems to have been convinced that as France and Spain were at war with each other they would both put up with any amount of hard usage rather than quarrel with him. While, therefore, Venables was on his way to the West, Blake was sent with a fleet into the Mediterranean to strengthen English interests there, to retaliate upon French commerce for past injuries, and to show in general that English sea power was as formidable there as in home waters.[2] Blake fulfilled his mission in such a way as to frustrate a French design for the conquest of Naples, and then with great impartiality sailed out of the Straits of Gibraltar to cruise for the homeward-bound Spanish Plate fleet. Meanwhile Mazarin, as devoid of temper as he was full of craft, persistently turned the cheek to the smiter and offered alliance; but Cromwell held off for a long time rather than subscribe to any agreement which would bind him to connive at the oppression of the Huguenots. Spain acted with more dignity but less worldly wisdom. Philip IV, on receiving in the late summer the news of the attack on Hispaniola, held that that in itself constituted a declaration of war. After a brief delay he recalled his ambassador and detained English merchants and property in Spain; and the Protector was left to make the best of a situation of his own producing. There can be no doubt that Mazarin had made the better choice, humiliating as it was, for England really was the holder of the balance, as the events of the next four years were to show.

In October 1655 England and France signed a treaty ending the maritime hostilities which had been waged since 1649. Next year they made an alliance for the conquest of the Spanish Netherlands. The new combination achieved little in 1657, but in 1658 carried all before it, routing Spaniards and Royalists at the battle of the Dunes, capturing Dunkirk, and then making a triumphant invasion of the Spanish provinces which was stayed only by the vanquished suing for peace. At the Treaty of the Pyrenees (1659), England secured Dunkirk, and France part of the Netherlands, and the age of Louis XIV, the age of Spanish debility and French ascendancy, began. Meanwhile at sea Blake had destroyed a treasure-fleet at Santa Cruz, but English commerce had suffered severely from the Ostend and Dunkirk

[1] See Gardiner, vol. III, chap. xiv; Watts, *op. cit.*, Appendices; Firth, C. H., *Narrative of Gen. Venables* (Camden Soc.).

[2] See Corbett, J. S., *England in the Mediterranean*, vol. I, chap. xvi.

privateers, so that the Spanish War proved far more costly in the end than the Anglo-Dutch contest.

To complete the review of the external policy of the Puritans it is necessary to say something of Portugal. In an earlier chapter of this volume[1] reference was made to Anglo-Portuguese hostilities arising out of the English claim to trade in West Africa in the early part of Elizabeth's reign. Since 1576 there had been considerable English trade on the Guinea coast with the sanction of successive Governments, a complete disregard of the Portuguese monopoly in the East Indies, and a regular English traffic with the parts of Brazil occupied by Portugal. These matters were unregulated by any treaty until 1642, when John IV, leading the Portuguese revolt against Spanish domination, had been glad to seek the friendship of Charles I. The Anglo-Portuguese agreement of that year recognised English rights in West Africa, allowed a limited English trade in the Portuguese stations in India, and provided for a meeting of commissioners to define the extent of the English Brazil trade. A further clause permitted Portuguese merchants to hire English shipping for their own African commerce.[2]

John IV's alliance with the Stuarts impelled him to afford shelter to Prince Rupert in 1650, and led to a substantive maritime war in that year between Portugal and the Commonwealth. Blake soon convinced the Portuguese of the unwisdom of their attitude, and negotiations for friendship with England began in 1652. They were still incomplete when the Protectorate succeeded the Commonwealth, and it was left for Cromwell to bring them to an issue in 1654. By the treaty of that year Portugal made great concessions. Compensation was to be paid for the losses of English merchants in 1650; Englishmen in Portugal were to be free from the jurisdiction of the Inquisition, not only on board their ships, but in their houses on shore; customs duties were limited to agreed rates, not to be augmented; English ships were to trade freely in Portuguese Africa and India, and with Brazil under certain restrictions; and Portuguese merchants might hire English ships but not those of any other nation.[3] In effect the treaty constituted England the heir to the dying Portuguese Empire and dealt to the ambitions of the Dutch a blow which they were then in no condition to resent. English merchants and shipowners acquired the same footing in the Portuguese colonial trade as the Dutch had acquired in that of England during the Civil War; and, unlike their rivals, the English were never ousted from their gains. The ease with which Cromwell secured this predominance undoubtedly inspired him to make similar demands on Spain.

[1] *Vide supra*, chapter II, pp. 41–7.

[2] The text is in Rymer, T., *Foedera*, orig. edn. XX, 523–7.

[3] Shillington and Chapman, *The Commercial Relations of England and Portugal*, pp. 199–204; for the text of the treaty see Dumont, *Corps universel diplomatique*, VI, 82–5.

The imperial policy of the Protectorate with regard to foreign Powers has necessarily taken precedence of its policy towards the English colonies themselves, but that branch of the subject has now to be considered. Three new colonies were temporarily or permanently acquired during the Interregnum, and of these the first was Surinam. In 1651 Lord Willoughby, then the royalist governor and part-proprietor of Barbados, sent a small expedition to Guiana, the scene of so many English attempts during the early Stuart period. His emissaries reported well of the prospects on the Surinam River, and Willoughby then despatched about a hundred Barbadians to begin a plantation, with an eye to the development of a new proprietorship for himself. The colony took root and prospered. Willoughby himself paid it a visit on his eviction from Barbados in 1652, and then sailed for England to obtain the recognition of his rights. The Commonwealth, however, objecting both to royalism and to proprietorships, had no ear for his petition, and appointed a certain Captain Richard Holdip to govern Surinam. Holdip went to the colony, but is recorded some time afterwards as having deserted it. He cannot have stayed longer than the summer of 1654, for he sailed with Venables's expedition at the close of that year. At the beginning of the Protectorate, Willoughby sought a grant of the proprietorship from Cromwell, but after some negotiations the plan broke down; although in 1657 the Protector offered to let him go to Surinam to enjoy his private property there. Willoughby was not content with this, and preferred to remain at home and engage in royalist conspiracies. So, in and out of the Tower, but never very harshly treated, he continued until the Restoration. Meanwhile Cromwell appointed no governor and did nothing positive to regulate the affairs of the colony, which pursued an autonomous career until 1660. Its planters were chiefly Royalists from Barbados, together with a number of Jews driven successively from Brazil by the Portuguese and from Cayenne by the French. Surinam developed a thriving sugar industry, and since it avoided giving scandal by its royalism and was moreover a settlement of great potential value, the Protector was quite content to let it alone. It evolved a constitution of its own, the planters annually electing an Assembly, and that body a governor, the latter having also the assistance of a council of his own nomination.

The second of the new acquisitions was the fruit of the informal war with France. Early in 1654 Major Robert Sedgwick had been sent to New England to organise an attack upon the Dutch colony of New Amsterdam. The Dutch peace nipped this scheme in the bud, and Sedgwick turned his energies in another direction. His commission empowered him to make reprisals on the French for their attacks upon English shipping, and with assistance from New England he captured the fortified posts controlling the French colony of Acadia. Cromwell, despite his later alliance with Mazarin, did not restore the conquest,

which remained in English hands until the reign of Charles II. No steps, however, were taken to supplant the French settlers, the motive of the New Englanders being simply to control the fisheries and timber trade of the coastline.

Jamaica occupied a larger share of the Protector's attention. He was convinced of its intrinsic value and still dreamed of making it a base for further conquests among the Spanish colonies. But he had learned that the "Western Design" would be of slow accomplishment and that Jamaica must be firmly occupied before anything more could be attempted. To Jamaica were sent accordingly a reinforcement of troops and a number of civilian colonists. Owing to the ill-will of many of the officers in the island, and to the ignorance and mismanagement of the administration both there and at home, a frightful mortality occurred and little progress was made. Jamaica was the first of our colonies to be planted and developed by the State, and the State had to learn by trial and error the business in which private enterprise was now fairly expert, but in which it had bought painful experience in the early days of Virginia. When the course of the undertaking is compared with the contemporaneous story of Surinam, a surprising contrast is apparent. On the Surinam plantation there was no public expenditure, and the inhabitants, with some assistance from Lord Willoughby, quickly became self-supporting; neither is there any record of serious disasters during the formative period. In Jamaica, on the other hand, despondency and apathy overhung the colony like a cloud. The difference may to some extent be that between good and ill luck, but it lay also in the type of colonist employed and the conditions of work imposed upon him. The pioneers of Surinam were old hands who had learned their business in Barbados, they knew exactly how to set about their new task, and they worked from the outset for their individual advantage. Those of Jamaica were of a poor type, unused to tropical conditions, relying upon pay and supplies provided by the State, and lacking any incentive to render themselves independent of those aids. An army on service is a communistic body—all efforts and all means are devoted to a common end. When such a body is faced with the task of making a colony upon virgin soil, as it was in Jamaica, it is out of its element and its discipline is apt to break down, and without discipline it perishes. There lies the essential difference between the planting of Jamaica and that of the Lesser Antilles and Surinam. Not until 1657–8, with the introduction of experienced colonists from Nevis and Barbados, did Jamaica begin to emerge from its period of disaster. A less resolute Government than that of the Protectorate would have abandoned it before that date. The history of the undertaking showed clearly that a rabble was no more fit for colonisation than for conquest.

Of the older colonies under the Protectorate the imperial history

is almost a blank, although there were some transactions of local importance. The New England group, Virginia, and Maryland enjoyed fairly complete self-government, maintaining more or less the policy of the Navigation Acts,[1] but otherwise taking little part in imperial affairs. Bermuda remained under the jurisdiction of its chartered company, twice reorganised during the Interregnum. Newfoundland, under its royalist governor, Sir David Kirke, had been hostile to the Puritan party in the Civil War. In 1651, therefore, the Commonwealth recalled Kirke, and thenceforward the island was controlled by commissioners appointed by the Puritan Governments; but there was in this period no settlement of the questions long at issue between the colonists and the seasonal fishermen from the English ports. St Christopher, Nevis and Montserrat remained under the governorship of local men recognised by the Protectorate. All three were in possession of elected Assemblies by 1660, but it is uncertain whether those institutions were evolved before or after 1649. They were probably of spontaneous growth, since there is no record of any authorisation by an English Government for their establishment. Only in Barbados is there any sign of a keen debate on imperial questions. There the Puritan, Daniel Searle, remained governor from 1652 to the eve of the Restoration. By the terms of the capitulation of 1652 the colony, whilst electing an Assembly with control of taxation, received a governor of home appointment. The Barbadians were dissatisfied with the arrangement and sought to argue that since corporations in England elected their own chief magistrates, colonial communities should have the same privilege. It was the old view of the homogeneity of the rights of Englishmen irrespective of their place of residence, but its force was weakened by the fact that its exponents held extremely separatist ideas about their duties as Englishmen, notably in the matter of the Navigation Acts. Before April 1660 Barbados gained a step towards administrative independence by securing the right to elect its council as well as its Assembly. With the Restoration this privilege was abolished, but it is of interest as showing the general tendency of the Interregnum.[2] Under this cloak of political principle individual advantage was, in fact, the real inspiration of the Barbadian leaders. The same may be said of the planters of Antigua, whose squabbles with a harassed governor, Christopher Keynell, in the same period have been rather unwarrantably dignified with the appellation of a political conflict.

In spite of a theoretical centralisation of control, Cromwell's real attitude towards those colonies whose condition was stable was that of Walpole in the next century—*quieta non movere*. His organisation of the colonial department of the Home Government was therefore designed chiefly with an eye to the affairs of Jamaica, and of the Caribbees as they affected Jamaica.[3] The attempts of the Common-

[1] Beer, *Origins*, chap. xii. [2] Harlow, pp. 124–6. [3] See Andrews, *op. cit.*

wealth to form a colonial administration have already been considered. When Cromwell became Protector in 1653 his own Council took over the business, and managed it by means of sub-committees for specific purposes. Then, when the "Western Design" had increased the importance of the subject, he appointed a Council of Trade and Navigation which included a fair number of merchants. This body first met in December 1655, but came to an end in less than eighteen months. Thenceforward, for general purposes, the Protector reverted to the system of *ad hoc* committees of the Council of State. Meanwhile, in July 1656, he had appointed a standing committee for Jamaica and the West Indies, consisting of merchants and officers with a knowledge of the conditions. This body, having an urgent problem to grapple with, acted in a virile manner and gradually became the effective colonial office of the period. Its chairman from 1657 was Thomas Povey, a West India merchant of large interests and statesmanlike views. From the beginning of the Protectorate, Povey and Martin Noell and other merchants had been urging the formation of a strong select committee, accountable only to the head of the State and unhampered by other political connections. The Jamaica committee partially fulfilled these conditions, but the Protector, from lack of time and from a disinclination to attend to details, was somewhat inert in forwarding its policy of strict control of the colonies. This mercantile party is chiefly important for the fruits which its representations bore after the Restoration. Cromwell was rather in the habit of listening to its proposals without taking any action upon them.

So far the colonies have been considered in relation to politics and trade, but they present also another aspect of the utmost importance in its bearing on the destiny of the old colonial Empire. This concerns the peopling of the overseas possessions and the emigration policy, in so far as one can be descried, of the English Government. Before dealing with the facts of the Interregnum it will be useful to review the theories of population entertained from the opening of the oceanic period. About the middle of the sixteenth century, social and economic changes began to produce an increase, greater than had before been noticed, in the population of England, and at the same time an amount of pauperism beyond the power of existing remedies. Thus an impression became established that the country was over-populated and that the best means of relief would be the provision of more employment at home and of an outlet for some of the surplus people in colonies overseas. This provided the text for the Elizabethan advocates of colonisation, whose doctrines began to bear fruit in the reign of James I. But the cost of the Atlantic passage was prohibitive to persons in economic distress at home; such people could no more afford to transport themselves to America than they could afford to travel first-class to New Zealand to-day. Thus there sprang up the

system of indentured service, by which the wealthier settlers paid the cost of transit and recouped themselves by commanding the services of the poor emigrant for the term of years covered by the indenture. At first, when the realities of colonial servitude were unknown and when there was a prospect of land grants for those who had served their term, the indenture system attracted a fair number of men of respectable character and status. The pioneers of New England and Maryland certainly included such servants, and the founders of the settlements in Virginia, the Caribbees and Guiana found it worth while to advertise for them in their prospectuses. But as the conditions became better understood and the eligible lands near navigable water were all taken up, indentured service got an ill name, as of certain slavery without hope of ultimate reward. Consequently, by the end of the Civil War the emigrants were coming to consist predominantly of a class which had been present to some extent from the outset—of vagrants, criminals, parish paupers and unfortunates abducted by crimps, all in one way or another transported against their will, and of a low average of character. The practice of the country was thus diverging from the Elizabethan principle of voluntary emigration for the benefit of the emigrant.

Meanwhile that principle itself was undergoing a silent modification. Until the end of the reign of James I the cry of publicists had been all for mass emigration to relieve the alleged over-pressure of the home population. Under Charles I this doctrine received less emphasis, and by 1649 was heard no more. The resettlement of agriculture and industry undertaken by Elizabeth's ministers was bearing its fruit in the period of peace which followed her death, and the England of the early Stuarts was proving itself capable of maintaining a moderately growing population. Mercantilists, studying more closely the interactions of trade and industry, grew more confident, and even began to regard a numerous home population not as a detrimental factor but as one favourable to the increase of wealth. Consequently, by the mid-seventeenth century the emigration of useful citizens had ceased to be a policy attractive to statesmen.

For the fulfilment of the mercantile programme, however, a growing colonial trade was essential, and it could not be had without a growing colonial population. Colonists must somehow be obtained. Further, mercantile considerations required rather a growth of the plantation colonies than of the settlement colonies in New England; for the former sent rich cargoes to the mother country and received her foodstuffs in return, whilst the latter sent home virtually nothing and competed with the mother country's exports by supplying their own foodstuffs to the Plantations. Agriculture, it must be remembered, was still the premier occupation of England, and to maintain it in a healthy state an outlet for its surplus products was necessary. So the mercantilist theory demanded at all costs an increase of the

Plantation population, and would have viewed with indifference a decrease of that of New England. These considerations led to a practice in emigration which first stands forth in unmistakable fashion during the Interregnum. In that period it may be questionable to call it a policy—perhaps it was rather an unconscious reaction to circumstances—but in the later stages of the old Empire it certainly was a deliberate policy. It was that of filling the colonies with undesirables from the British Isles, with foreigners from any European country which would supply them, and above all with negroes from Africa. All ideals of a decent colonial society, of a better and greater England overseas, were swamped in the pursuit of an immediate gain, and it was only by an accident that in exiling English Quakers, Irish Presbyterians and Catholics, and Scottish Jacobites, the rulers of the old Empire mingled some good British strains with the heterogeneous mob they planted with complete indifference under their flag. The origins of this disastrous error are to be seen, as has been said, in the proceedings of Cromwell and the Puritans.

Those proceedings may be illustrated by the colonisation of Jamaica. The expeditionary force of 1655 consisted chiefly of English undesirables, soldiers rejected by their regiments and vagrants swept up from the streets. It was early realised that these men would not be sufficient to make a strong colony, and in the year of the conquest the Protector sent an agent to New England to preach the advantages of the West Indies and to induce the New Englanders to transfer themselves thither in mass. They, however, in spite of tempting immunities and land offers, refused to move. They were attached to their rugged climate and could not enter into the feelings of English statesmen, to whom colonists producing foodstuffs in America were valueless, although as growers of sugar in Jamaica they would be doing good work for the Empire. Meanwhile, the Government had been ordering its officers in Scotland and Ireland to use pressure in recruiting emigrants from those countries. To the English mercantilist the populations of the sister kingdoms were not only politically dangerous but economically competitive, and so there could be no objection to weakening them by emigration. Few persons seem actually to have gone to Jamaica from Scotland, and none from Ireland, whilst from England itself the only reinforcement from civilian ranks was a consignment of prostitutes collected by the Governor of the Tower. Only then, after the peopling of Jamaica by New England farmers and British undesirables had come to a standstill, did the Government turn to the established colonies of the Caribbees, moving 1400 persons from Nevis and afterwards some of the surplus inhabitants of Barbados. But for the fact that this transference involved no net increase of the West Indian population it would have been a more obvious step to take first rather than last. The evil wrought by the policy of exiling undesirables was twofold. It introduced a bad element into

the colonies, already sufficiently unruly, and it accustomed English administrators to regard all colonists as inferiors, a stigma which rankled until the War of Independence.

Before the end of the Protectorate it was apparent that the attempt to emigrate large numbers of white men to the West Indies had broken down. Jamaica remained short of men for a generation to come. Antigua was another island whose exploitation was desirable for strategical reasons, for it contained the best harbours in the Lesser Antilles for careening warships. Here again English settlers did not come forward freely, and the Government encouraged any foreigners to go there provided they were Protestants. Actually a few Norwegians took advantage of the offer.[1] To some extent the deficiency was made good by the fact that Barbados and Bermuda were becoming overcrowded and that their unwanted inhabitants were ready to go pioneering in newer colonies. But the real mercantilist remedy lay in the negro slave. Slaves crossed the ocean in increasing numbers in the decade before 1660. After that date the movement grew into a flood, swamping first the West Indies and then the American Plantations, and providing the greatest material gain and the worst moral deterioration in the record of the old colonial Empire.

The organisation of the slave trade, like certain other branches of oceanic administration, was, during the Interregnum, the subject of experiments which led to no successful results, but which nevertheless yielded experience whereon the Restoration was to found a definitive policy. A basis existed in the Guinea Company incorporated in 1630.[2] At that date the number of negroes purchased by the English colonies had been unimportant, and the Company's trade had been chiefly in gold, ivory and vegetable products. During the Civil War, the Company's monopoly had been extensively infringed by English interlopers, whilst the Dutch had grasped the principal share in the nascent business of supplying negroes to the English Plantations. Commonwealth policy demanded that the Dutch should be ousted, and as a first step the Council of State interfered in the dispute between the Guinea Company and the interlopers. As has been explained, the latter were powerful in the Puritan ranks, and special monopolies, particularly those of royal foundation, were unpopular. The Commonwealth therefore sought in 1651 to impose a compromise, by which the Company was to enjoy a monopoly of the trade from Sierra Leone to Cormantin on the Gold Coast, and all the remainder was to be thrown open. Years of misfortune followed, and by 1657 the Guinea Company had lost all its stations and most of its shipping to attacks by Prince Rupert, the Dutch and the Danes. At this juncture Cromwell, who was then reviewing the affairs of the East India Company, decided to place the Guinea interests under its

[1] C.O. 1/12, no. 68 (iii).
[2] See Scott, W. R., *Joint Stock Companies*, II, 14–17.

control for five years. In this way the Guinea Company of 1630 came to an end, and the temporary nature of the new expedient left it open for a later Government to make a more solid contribution to the problem of management.

From a review of the imperial statesmanship of the Interregnum certain permanent results may be traced. The intrusion of the Dutch into the economy of the Empire was checked but not completely ended. The means for their exclusion was provided, but it was left for the Restoration to put it into full operation. Here Cromwell's strongly Protestant policy conflicted with the desires of the mercantile interest, but Charles II was to be restrained by no such considerations. Towards Spain the Protectorate maintained an attitude in continuity with England's policy in the past, although a new departure, of alliance rather than enmity, might well have been instituted. The Dutch, with greater insight into the ambitions of France, were preparing to make this departure; but Cromwell was drawn into the alliance with Mazarin which produced the Peace of the Pyrenees and the beginning of the great age of French ascendancy. Cromwell's French alliance, however, was always tinged with suspicion. Had he lived ten years longer he would very probably have reversed it, and it is unjust to condemn him for the way in which others continued the work which he laid aside at the age of fifty-nine. The treaty of 1654 with Portugal produced a permanent effect, the modern English alliance with that country, which proved a great asset in the naval wars and mercantile competition of the eighteenth century. It also definitely closed a period of estrangement which had endured since the reign of Henry VIII.

In the internal affairs of the Empire the Navigation Acts, disputable as their effect may have been, marked a new and permanent departure, clearly distinguishable from the colonial regulations of the early Stuarts. The latter had been directed chiefly to the increase of English revenue; but the Commonwealth Acts were primarily designed for the advancement of sea power, from which the newer mercantilist doctrine taught that an increase of wealth would follow. Out of Cromwell's West Indian transactions sprang the emigration policy which did so much to shape the destiny of the old Empire; and out of the series of administrative experiments of the Commonwealth and the Protectorate emerged the permanent commercial element in the conduct of imperial affairs. And from the two West India expeditions of the Interregnum dates the continuous employment of the Navy as a link of empire. In general it may be said that, for good and ill, the policy of the Interregnum confirmed the foundation of imperial unity upon an economic basis.

CHAPTER VIII

THE COLONIES AFTER THE RESTORATION, 1660–1713

THE story of the old colonial Empire can be viewed in two aspects: the one, the development of the Empire as a unity, with administrative departments, political regulations, and Acts of trade and navigation; the other, the growth of the colonies as separate organisms with peculiar aspirations and interests, inhabited in time by communities nationally distinct from the people of the parent State. The second of these aspects during the half-century after the restoration of Charles II forms the chief subject-matter of the present chapter. The bonds of empire are described elsewhere; here we are concerned with the centrifugal forces destined to burst them.

The greatest of these forces was the divergence of national development. The colonists under Charles I were true Englishmen, the great majority born in England. They were at variance with the mother country on many matters, but they understood her, and she understood them; thought flowed in the same channels on either side of the Atlantic. There followed twenty years, from 1640 to 1660, during which the young communities lost touch with the old. Until the Battle of Worcester the colonies followed their own devices with scarcely a pretence of control from home; and thereafter the Puritan statesmen contented themselves with a formal allegiance, a somewhat perfunctory observance of the Navigation Acts, and an almost complete colonial autonomy in internal affairs. The imperial policy of the Interregnum was more a promise than a performance, a promise which had to await settled times for its fulfilment. Meanwhile a colonial-born generation arose, still mingled with home-bred immigrants, but constituting a growing element in the population and open to few of the contacts existing in times of peace. The Restoration renewed some of these contacts, but not the greatest of all, the continued emigration in due proportion of the home population. Englishmen, it is true, still went overseas, but the emigrants were nearly all of peculiar classes not representative of the nation as a whole, whilst much of the new settlement was accomplished not by them but by the internal migrations of the colonists. There was, after the Restoration as before it, a favourable field for the growth of specialised local types.

Two causes contributed to national divergence, the introduction of foreigners into the colonies, and the difference of the colonial environment from that of the mother country. The former was important but must not be exaggerated, for a vigorous nationality can assimilate considerable foreign strains without being radically affected.

Environment was a much more powerful agent of change, and manifested itself in many forms. Climate, diseases, food and drink dictated novel habits of daily life; occupations unknown in England introduced new economic problems and called for independent thinking; in colonial society the presence of black slaves or white bondservants or uncivilised natives, and the absence of a hereditary upper class, altered the gradations known at home and opened responsible positions to men who would have had little share in the framing of public opinion had they lived in England; and in some communities religion moulded citizenship, and it was religion of a type not tolerated on the English side of the Atlantic. The list of environmental factors might be extended, but the above instances are sufficiently suggestive. In the several colonies they varied in their proportionate effects, but in all they exerted an influence upon the corporate character. New immigration was scanty, there were hardly any of the present-day contacts provided by easy travel, quick mail services, literature and political speech-making, and as the generations passed the colonists were moulded more and more by their surroundings and less by the dimming memories of the England their fathers had left. Those memories themselves became in time a dividing force, for the mother country was in no static condition; she was moving rapidly along lines of her own. The third generation of New Englanders thought of old England as the land quitted by the Pilgrim Fathers, the land of Shakespeare and the early Stuarts; but the reality, the England of William III and Anne, of Addison and Swift and Defoe, of stock-jobbing and journalism, was widely different. Environment therefore produced divergent characteristics. The English of the mother country developed in one direction, their cousins overseas in many others, and varying colonial types arose, having in common only this difference from the parent stock. This was the problem of statesmanship which the old Empire scarcely recognised and never solved.

Charles II and his advisers found much colonial business awaiting their attention, and they made a vigorous effort to consolidate an Empire whose cohesion had loosened under their predecessors. Their decisions led to important consequences in the established colonies and to rapid expansion in new directions. To consider the different fields in the order of importance which statesmen attached to them it will be necessary to begin with the West Indian Plantations, whose richest unit, Barbados, ranked as "the principal pearl in His Majesty's crown".

In the Lesser Antilles, the Caribbee Islands granted to the Earl of Carlisle by Charles I, an urgent problem demanded settlement. The proprietary rights had been in abeyance since the outbreak of the Civil War at home, with the result that the colonists had long ceased to pay the proprietor's dues and had come to regard themselves as freeholders. During this period the colonial society had been trans-

formed. Before 1640, when tobacco had been the staple crop, there had been a large number of petty planters employing a few white bondservants apiece. These planters had been poor and of little political weight, and had had no elective Assembly. The introduction of sugar planting had consolidated the small holdings into large estates owned by a comparatively few rich men who were substituting negro slaves for indentured servants. The majority of the dispossessed tobacco planters fell to the status of employees or re-emigrated to try their fortunes elsewhere; white immigration declined, and with it the numbers of the white population; and the wealthy plantation owners, some of whom lived in England, whilst all had business connections there, formed a powerful oligarchy able to make their influence felt at court and to rule the islands through the elected Assemblies which during the Interregnum had everywhere taken root. In the first generation the planters had been at the mercy of an absolute proprietor. By 1660 they felt strong enough to resist the revival of the proprietorship and believed that they would do better as immediate subjects of the Crown.

The Crown nevertheless had obligations to the proprietorship, the second Earl of Carlisle having fought as a royalist and suffered for the cause. At the crisis of his fortunes he had leased half his rights to Francis, Lord Willoughby of Parham, who had joined the royalist side when it offered little prospect of advantage. In 1660 Carlisle and Willoughby urged their claim and secured a provisional recognition, but as Carlisle died without issue his rights passed to the Earl of Kinnoul. The planters' spokesmen resisted strongly, and other parties became clamorous: the creditors of Carlisle, who claimed payment out of the proprietary revenue; the Earl of Marlborough, whose family had been assigned a pension from the same fund; and the descendant of Sir William Courteen, the original founder of the Barbados colony. The planters' contention was that the proprietary patent had been invalid from the outset, since Barbados and St Christopher had been colonised before its issue; and that even if good it should be forfeited for tyrannical and illegal use. The Earl of Clarendon, to whom fell the task of effecting a settlement, believed that this contention would be vindicated by a trial at law, but he saw also that the other claimants had a moral right to satisfaction. After a patient investigation he imposed a compromise in the following terms. Kinnoul and Willoughby surrendered the patent into the King's hands. His Majesty then abdicated all proprietary rights on condition that the planters, through their Assemblies, should vote a permanent revenue. Willoughby was to receive half this revenue and to be governor of the islands for the remaining seven years of his lease. The other half was to provide pensions for Kinnoul and Marlborough and to pay off the creditors of the deceased Earl of Carlisle, the Courteen claimant alone receiving nothing. The entire revenue

except the Kinnoul pension, which was perpetual, was to revert to the Crown as the liabilities became discharged.[1] The planters thus became freeholders, and the islands royal colonies. In 1663 Willoughby went out to complete the settlement and induced each of the island Assemblies in turn to fulfil the bargain by voting a 4½ per cent. duty on the export of their produce.[2] The step once taken was irrevocable, for legislation needed the assent of Assembly, council, and governor, and until the nineteenth century no governor was permitted by his instructions to agree to the repeal of the duties.

Francis, Lord Willoughby, was an able governor with a regard for his subjects' interests as well as his own. He supported the planters' protest against the enumeration of sugar in the Navigation Act of 1660 and frankly told the King that whoever had advised that measure was rather a good merchant than a good subject. He had other difficulties not of his own creation. The planters expected the bulk of the 4½ per cent. duty to be spent upon local needs and conceived that they had voted it for that purpose, but the Crown held that it was a composition for the proprietary dues and ordered Willoughby to ask the Assemblies for further grants for local defence;[3] since the proprietorship in its effective period had spent nothing upon the islands and had drawn a large profit from them.

The war of 1665–7 bore hardly upon the Caribbean colonies. Fighting with the Dutch began early in 1665, and in April a Dutch fleet under de Ruyter visited Barbados. He was beaten off by the land defences, but afterwards captured some shipping at Nevis and Montserrat. In the following year France joined in the war as an ally of the Dutch. The French of St Christopher conquered the English portion of that colony after savage fighting. Willoughby sailed from Barbados to the rescue, but was lost in a hurricane with the flower of the island's force. Soon afterwards a French fleet raided Antigua and Montserrat, destroyed the plantations and carried off the slaves. Nevis alone remained intact. William Willoughby succeeded his brother in the peerage and the governorship, and receiving naval support recovered Antigua and Montserrat in 1667, but failed to recapture St Christopher. Meanwhile Surinam, Willoughby's proprietary colony in Guiana, had fallen to a Dutch attack. It was a serious loss, for Surinam had prospered as a sugar colony since the Restoration and promised well for the future. The English in the West Indies hated the French far more than the Dutch, and the inhabitants of Surinam had hastily surrendered to the Dutch rather than fall into the hands of "the merciless French", who were known to be approaching. The treaties of Breda ended the war in 1667.

[1] Clarendon's *Life*, Oxford, 1759, pp. 490–6; *Acts of the Privy Council, Colonial*, I, 362–5.
[2] Higham, C. S. S., *Leeward Islands under the Restoration*, p. 13; Harlow, V. T., *Hist. of Barbados*, pp. 128–46.
[3] Harlow, pp. 147, 157, 160–1.

England and France made a mutual restitution of conquests, but England and the United Provinces agreed to retain what they had taken at the date of the negotiation.[1] Before its conclusion was known in the West Indies Willoughby had sent an expedition which recovered Surinam, but by the terms of the treaty it had again to be given up and has since been a Dutch possession. The island colonies were restored to England. They were impoverished and despairing. Barbados was financially almost bankrupt and had lost many of her men. The Leeward Islands had been gutted by their French conquerors, and the work of settlement had to be recommenced. Antigua was resettled by the refugees from Surinam, who were already sufficiently West Indians to entertain no thought of returning to the mother country.

The struggle in the West Indies bore a different aspect from that in European waters. In the latter it was an Anglo-Dutch contest in which France bore little part; but in the West the English and the French were the protagonists, a foreshadowing of the conflicts of the eighteenth century. The English and French courts were as yet merely playing at war with one another, but the prize of the sugar trade had forced them to be serious in the region where it was an operative factor.

The Barbadians complained that after the war their plight received little sympathy from home. It is evident that in spite of the absentee estate owners living in England there was a lack of *liaison*. The line of cleavage was between the planter and the merchant, and the non-residents were chiefly men of mercantile interests. The resident planters were aggrieved not only by the need for supplementing the $4\frac{1}{2}$ per cent. with other taxes, but also by the Navigation Acts, the slaving monopoly of the Royal African Company, the engrossment of all island patronage by the King's ministers, and the quartering of a regiment in Barbados. A strong home-rule movement therefore manifested itself in opposition to Willoughby, and in 1668 the malcontents asked the King to abolish the $4\frac{1}{2}$ per cent. and the trading restrictions and to grant a charter whereby the late proprietary rights should all be vested in the inhabitants as a corporate body.[2] Since those rights covered the whole field of administration, this proposal would have amounted to what is now called Dominion status, and it naturally received no countenance from the Home Government at a time when imperial policy was seeking to tighten the bonds of empire. It is, however, interesting as showing the views entertained at this date by an intelligent body of colonists; and along these lines the Barbadians continued to agitate for several years.[3] The inspiration was purely economic; the sugar trade was depressed and offices were being given to outsiders, and nothing else mattered. The fact is

[1] Dumont, *Corps universel diplomatique*, vol. VIII, pt I, pp. 42–5.
[2] Harlow, p. 196.
[3] *Ibid.* chap. V, *passim.*

worthy of statement, for, here as elsewhere, the selfishness of the colonists seems to have been the certain consequence of basing imperial unity upon mercantile connections; and yet it must be admitted that there was no other system conceivable at the time, for England was not strong enough to defend the Empire without drawing a profit from its trade. World conditions had to be transformed before any other kind of empire became possible.

The Leeward Islands showed the same general conditions as Barbados and were more handicapped by the disablement of war. On the other hand they had the good fortune to be ruled for fourteen years by one of the best of the old colonial governors, Colonel William Stapleton. Until 1671 the Leeward colonies were included with Barbados under the successive commissions of the two Willoughbys. The Leeward planters considered that Barbados was unduly favoured by the arrangement, for her wealth and influence greatly outweighed theirs. In this year the Leeward Islands received a separate governor-in-chief, and soon afterwards Stapleton was appointed to the office. He was strict in enforcing the Navigation Acts, but his tact and fairness eased the burden, and the colonists gradually regained a modest prosperity. They did not devote themselves exclusively to sugar growing, and their ginger, cotton and indigo mitigated the fluctuations of trade that resulted from dependence upon a single staple.[1]

For five years after the Cromwellian conquest Jamaica remained under military government, and little progress was made in transforming the soldiers into civilian settlers. This was due partly to Spanish demonstrations on the northern coast, which required the maintenance of an armed force, and partly to the ill-will of the officers who, in their desire to be ordered home, preferred that the undertaking should prove a failure rather than a success. Inexperience led to the occupation of unhealthy tracts of land, and incompetence to a shocking waste of Government stores and natural resources. As an example of the latter may be mentioned the wild cattle, which were so recklessly slaughtered at the outset that they became too shy to be approached, and so a plentiful food supply was lost. A terrible mortality was the penalty of these mistakes, and only a small percentage of the early settlers survived. The little nucleus of a colony that emerged from this confusion consisted rather of West Indians transferred from the Lesser Antilles than of the troops sent out from England.

The Restoration Government, contrary to the expectations of some observers, decided to keep Jamaica and to establish a civil constitution. In 1662 it sent out Lord Windsor as governor with orders to that effect, and the first Assembly met in 1664. Windsor was further instructed to promise customs exemptions, liberal grants of land, and facilities for the people of neighbouring colonies to immigrate, all

[1] Higham, *Leeward Islands, passim*; Beer, G. L., *The Old Colonial System*, II, 31–46.

this with a view to lifting the cloud of ill repute that overhung Jamaica. In 1664 Sir Thomas Modyford of Barbados became governor. He took with him 800 Barbadians and proposed a further transference of 1000 men a year from that island. Lord Willoughby made a strong protest, for he desired to send the Barbadian surplus to his proprietorship of Surinam; and the movement was not carried out at the proposed rate. The Dutch War caused a set-back, here as elsewhere, but under Modyford Jamaica entered on a period of gradual progress. It was perhaps justifiable to employ a planter governor in a new and struggling settlement, and Modyford ruled successfully until 1671. His success, it is true, was threatened by political difficulties. The Jamaica Assembly considered it unjust that, according to instructions from home, the island laws were valid for no more than two years unless they received the royal assent. Owing to the nature of the legislation this assent was often withheld, and a constitutional struggle of some importance ensued. Modyford's successors could seldom induce the Assembly to work in harmony with them, and in 1678 the Earl of Carlisle was sent out with orders to apply the principle of "Poynings's Law" in force in Ireland, whereby no legislative proposals could be initiated without the previous consent of the Crown. The experiment failed; the Assembly refused to pass the proffered bills and, in spite of intimidation, made good its resistance; in 1680 the earlier constitutional position was restored. The planters had won a victory on a matter of principle—their claim to the enjoyment of the rights of Englishmen, and the contest had not been complicated by economic objections to the laws of trade, which do not seem to have been a grievance in Jamaica. In a polity so largely governed by precedent as the British Empire, the Jamaica struggle was of more than local significance.[1]

The early development of Jamaica was affected for good and ill by English relations with Spain. Owing to the refusal of Charles II to restore the island a state of war continued until 1670, and out of it arose buccaneering, the final stage of the semi-lawful warfare which had existed from Tudor times. The buccaneers, who may be described as the frontiersmen of the Caribbean, were originally men who engaged in cattle-hunting and similar pursuits falling outside the category of regular trade and planting. The war with Spain tempted them to the sea as privateers, and the strategic position of Jamaica rendered its coast an ideal base for their attacks on all the Spanish possessions in the western Caribbean. They inflicted enormous damage on Spanish colonies and shipping, culminating in the sack of Panama by Henry Morgan in 1671. They brought their booty to Jamaica for disposal, but although the influx of wealth was considerable it did not accelerate the settlement of the island; for all the most energetic and ambitious men were drawn away from planting

[1] Gardner, W. J., *Hist. of Jamaica*, pt II, chap. i; Beer, vol. II, chap. vii.

to the easier road to fortune. In 1670 England and Spain signed the Treaty of Madrid, whereby the Spaniards acknowledged the English right to Jamaica and other *de facto* possessions. England then made a serious effort to stop buccaneering. Modyford, who had patronised the rovers, was recalled, and Sir Thomas Lynch took his place as governor. With the aid of the Navy he restored order to some extent and wrote in 1672 that there were no English privateers or pirates remaining in the West Indies, although the French were continuing their depredations. This report was perhaps too favourable, but it is true that in the decade ending in 1680 the buccaneers dispersed. A few, like Morgan, settled down as planters, others became logwood cutters in Yucatan and Honduras, and others, continuing to rob, were scattered far and wide over the oceans.[1] Jamaica benefited by the change.

The logwood industry proved to be permanent. Its exploiters claimed that they were working in unoccupied territory and that their business was therefore legitimate. Spain asserted her sovereignty over the logwood coasts and declined to permit the intrusion. The dispute dragged on unsettled into the following century, but the trade was not stamped out. Its profits enriched the mercantile element in Jamaica, which owned most of the ships engaged, but the agricultural development of the island felt the competition.[2]

During the Restoration period the maritime nations displayed an intense interest in the Caribbean, and the eighteenth-century view of the paramount importance of that area then took shape. No European Power as yet possessed the capital and the population for the full development of the American continent, and England at least was already conscious that the control of large continental dominions might prove difficult. The islands, on the other hand, produced great and immediate wealth, negro labour supplied the lack of European man power, and the planters, hampered by their slaves and by their dependence on imported supplies, were in no position to seek independence. Sea power could not maintain discipline in large, self-sufficing areas like New England, but it had a perfect grip upon the island Plantations to which blockade would bring collapse. Mercantile statesmanship therefore made the Caribbean the focus of international rivalry.

The little colony of Bermuda stood in a class by itself. In its strategic relation to the mother country it resembled the Caribbean islands. In its tobacco and shipping industries and its social circumstances it was more like the colonies of the American mainland, whilst it was unique in being the only settlement governed during the greater part of the Restoration period by a chartered company with its headquarters in London. The continuance and ultimate extinction of the Company's control is the outstanding feature of the colony's

[1] Haring, C. H., *Buccaneers in the West Indies*, esp. chaps. vi, vii. [2] Beer, II, 66–72.

history at this time. It illustrates the incompatibility of colonial freedom in economic matters with profit-taking by the investors, whose subscriptions had nevertheless been indispensable to the colony's foundation. It has required the experience of three centuries for this incompatibility to be fully admitted, and for the truth to be realised that empire-building is an altruistic process in which men must give without expecting to receive. A few but not all of the financial founders of the old Empire were aware of it. Many of them risked their savings in colonies under the impression that it was a strictly business transaction, and they deserve sympathy in their subsequent disillusionment; for it generally happened that in the first years there were no profits to take, that then, if the undertaking succeeded, there began a period of dividends, and that almost immediately these rewards were cut short by the cry of the settlers against exploitation and their demand to enjoy the full fruits of the colony's prosperity. In Bermuda, where the second stage lasted longer than was usual, the leading events were as follows. The Somers Islands Company, to give the proprietary body its official name, escaped the fate of its parent organisation, the Virginia Company, and retained its charter for sixty years after that of Virginia had been extinguished. The Earl of Warwick remained its patron and manager until his death in 1658. By that date most of the original members had also dropped out. Many of their shares had been acquired by the inhabitants of the islands, and it was alleged that only a minority were still held in England. Nevertheless the Company's courts continued to sit in London, and under Charles II the colonists expressed indignation against this minority rule. The grievance was material, even if exaggerated, for the Company retained its monopoly of trade between England and the colony and was accused of manipulating prices to make an unjust profit. At length, in 1682, some of the inhabitants instituted a *quo warranto* process against the charter, the Crown took up their cause, and in 1684 the Company was dissolved. It had not been culpably guilty, but it had outlived its imperial function, and so, with some injustice to individuals, it had to go. The islands became a Crown colony, paying to imperial funds the same $4\frac{1}{2}$ per cent. export duty as was levied in the Caribbean Plantations.[1]

In the American colonies the period under review is one of considerable expansion, which is of a different type from that of the early Stuart period when all the colonists had been emigrants from England. After the Restoration the new acquisitions of the Carolinas, New York, New Jersey and Pennsylvania were peopled more by re-emigration of existing colonists than by newcomers from England, and a foreign European element was present in all of them; for a variety of reasons there was no renewal of the "great emigration" which had founded New England and the tobacco Plantations. Beyond the

[1] See Scott, W. R., *Joint Stock Companies*, II, 293–7.

coastal belt, with its planting and mercantile occupations, a fringe of pioneers was pushing into the interior, cutting loose from tide water and communication with Europe, and seeking a hazardous living in subsistence-farming, hunting and Indian trade. This frontier element is for the most part silent in the seventeenth century, but nevertheless it existed, as a few scattered hints are sufficient to prove, and it was destined to contribute a vigorous element to the American character and to mould the events of the future in a manner quite out of proportion to the numbers of persons involved. For, to the south and west of Quebec and Montreal, the French were also throwing forward their adventurers, and the necessities of climate and waterways stood ready to thrust them downwards across the path of the English pioneers.[1] The climax was in the future, but already the actors were taking the stage, and some far-seeing men had an inkling of what was to come. "The King of England", said a French officer on hearing of the seizure of New York and the Hudson waterway in 1664, "doth grasp at all America"; and for the next twenty years the frontiersmen of New York and New France were contending for influence in the buffer belt of the Six Nations. These things have as great a significance as the domestic politics of the coastline.

The unoccupied region to the southward of Virginia had long appeared a desirable acquisition. Raleigh's colonial ventures had been directed to its outlying islands, Sir Robert Heath had obtained a grant of it in 1629 under the name of Carolana, and some unofficial settlers had made fitful attempts to occupy it in the middle years of the century. Restoration statesmanship under the guidance of Clarendon transformed these aspirations into permanent achievement. Although Clarendon was the political patron, the designers of the new colony were Sir John Colleton, a Barbadian magnate, and Sir William Berkeley, governor of Virginia. With them were associated Lord Berkeley, brother of the Virginian; Lord Ashley, afterwards Earl of Shaftesbury, an enthusiast for colonisation; Sir George Carteret, another of the same type; Lord Craven; and George Monck, Duke of Albemarle, the organiser of the Restoration. These eight men received in 1663 a grant of the American coastline subsequently defined as covering the region between 29° N. and 36½° N., with unlimited extension into the interior. The name of their province was altered to Carolina, and the Bahama Islands were also placed within their jurisdiction. Colonial grants had hitherto been made to joint-stock companies or single proprietors. A partnership of eight joint proprietors was a novelty which gave the maximum of political weight to the undertaking, but also caused a loss of clearness in design and of speed in action. It was a device that was not repeated.

The Carolina proprietors no doubt hoped to make an eventual profit, but they were experienced men who knew the colonial history

[1] Parkman, F., *Count Frontenac and New France*, chaps. ii–ix.

of their time, and had they been merely seeking a good investment they would not have put their money into a new colony. A weightier motive was undoubtedly that of the public service and of the credit they would gain from its furtherance. They intended Carolina not as a competitor with existing Plantations but as a contribution to the imperial self-sufficiency that was the ideal of the time. It was not to grow sugar or tobacco, but the silks, wines, fruits and oils which England was then purchasing in foreign markets. Economic thought was by this time unfavourable to the emigration of useful English citizens, which it held to be a draining of the mother country's strength. The proprietors therefore sent out few native Englishmen, but looked rather to the older colonies, to Scotland, and to the Huguenots of France for the peopling of their new dominion. The plans for Carolina are thus worth a more detailed study than is here possible.[1] They outran their performance, but they are a complete illustration of the imperial ideas of the time.

The actual expansion of the reign of Charles II was almost entirely based upon the circumstance that all the older colonies had, for various reasons, a surplus population ready to migrate elsewhere. New England, particularly Massachusetts, was prolific of men. Its soil and climate were harsh, and many found its social atmosphere harsher still. Before the close of the century wandering New Englanders, toughened by discipline but eager to escape from it, had made their mark all over the world, in English politics, in the adventurous West Indies, and in oceanic trade extending even round the Cape of Good Hope to the Indian Ocean. To all the new American colonies they brought their energy and their independent political ideas; their religious straitness is the only quality they seem to have left behind them. Bermuda was a tiny colony with a high birth rate. Its population early reached the limits its soil could bear, and Bermudians also pervaded the western Atlantic as seamen and settlers even before the first Stuart wave of emigration had spent its force. In Barbados and the Leeward Islands fecundity was not so evident and death rates were high, but there the development of sugar planting displaced much of the white population for reasons already explained. Finally, Virginia was beginning to buy negro labour and had no more surplus land at the water's edge to bestow upon time-expired white servants. Her landless whites formed a class too numerous to find employment between the planter aristocracy and the servile mass. Some became frontiersmen in the higher grounds of the interior, but many were ready to migrate along the coastline outside the colony's limits.

At the date of the grant of the Carolina patent some Virginians were already prospecting in search of fertile land about Albemarle Sound within the northern limit of the province. Sir William Berkeley,

[1] See Raper, C. L., *North Carolina*; M'Crady, E., *Hist. of South Carolina*; Beer, vol. II, chap. ix.

as the proprietor nearest to the scene of action, supervised the consolidation of this settlement and sent a Virginian, William Drummond, to be its first governor. These people settled down and became the nucleus of North Carolina. At about the same time, although the exact date is obscure, a party of New Englanders and another of Barbadians established themselves at Cape Fear, further to the southward. They were isolated from the first settlement by a long stretch of unoccupied coast, and in 1667 they abandoned their undertaking, whereupon some of them joined the Albemarle Sound colony. Meanwhile the proprietors sought to plant other regions by their own initiative. Sir John Colleton despatched exploring parties from Barbados in 1665–6, but no settlement was achieved until after the Dutch War. Then, in 1669, an expedition sailed from England with about a hundred emigrants, picked up more at Barbados and Bermuda, and in 1670 disembarked them all at the harbour subsequently called Charleston. Next year some recruits from New York joined them, and in this way the colonisation of South Carolina was begun. In the hope of introducing wine and silk cultivation the proprietors next brought over a body of Huguenots from France. Lastly, after long negotiations, a band of Scottish pioneers sailed from Glasgow and reached Carolina in 1684. They formed a separate settlement at Port Royal, well to the south of Charleston, the motive of the proprietors being that they should serve as an outpost of that colony against Spanish raiders from Florida. The position was perilous and its tenure brief. In 1686 the Spaniards sailed up the coast and destroyed the little settlement, whose survivors fled to Charleston.[1] By the close of the century the colonisation of Carolina had thus concentrated round two centres, Albemarle Sound and Charleston, and these were already organised as the two distinct governments of North and South Carolina.

In other respects besides area the results were disappointing. The projected new forms of cultivation never took root; even the French recruits proved as incapable of producing wine and silk in America as did the English pioneers. Subsistence-farming and the export of foodstuffs to the West Indies became the chief legitimate occupations, whilst the intricacy of the coastline made it an *entrepôt* for the many forms of illicit trade. The proprietors tried hard to make their colony respectable, but found themselves politically powerless. Their subjects were not law-abiding Englishmen from the homeland but colonial-bred adventurers, contemptuous of authority, and many of them debtors and bad characters who had made their places of origin too hot for them. John Locke, Shaftesbury's secretary, devised a form of government called the "Fundamental Constitutions of Carolina". Although embodying the most approved political theories of the day, it never came into operation, and the Carolinas evolved

[1] Insh, G. P., *Scottish Colonial Schemes*, 1620–86, pp. 186–211.

institutions of the ordinary colonial type, with governor, council and elected Assembly. The Assemblies reflected the character of their constituents, passed easy-going laws for the protection of local debtors and insurgents, and declined to enforce the proprietors' claims for quit-rents. Nevertheless, in spite of all drawbacks, the Carolina colonies were a permanent achievement and the seed of greater things. But they were hardly an expansion of England; in origin and character they were more truly the firstfruit of the expansion of colonial America. The difference may be realised on comparing the impotence of their proprietors with the stern discipline maintained by the Earl of Carlisle in Barbados at an earlier date.

The conquest of the Dutch New Netherland, renamed by its captors New York and New Jersey, was the second undertaking of constructive imperialism in the America of the Restoration. Viewed in isolation it may appear an act of unprovoked piracy; examined in its setting it may still be described as unscrupulous, but certainly not as unwarranted. The watchword of the Restoration was the co-ordination of imperial activities on the basis of the laws of trade. The two chief obstacles were the particular interests of colonists and the desire of foreigners to intrude into the Empire's commerce. These obstacles appeared most serious in New England and New Netherland respectively. Massachusetts, the strongest State of New England, had already developed through its port of Boston an all-round trade by which it supplied the Plantations with foodstuffs, took their sugar and other produce in return, exchanged them with continental Europe for manufactured goods, to be distributed throughout the colonies. Boston was in fact aspiring to the position of a metropolis of the Atlantic Empire, with a firm grasp of the business designed by home statesmen to be the monopoly of London and the English capitalist. Clarendon understood the ambition and realised that the political weight of Massachusetts made it formidable.[1] He sought for a counterpoise and found it in Connecticut, a colony which lacked a good seaport, was more largely agricultural in its interests, and disliked the air of superiority affected by Massachusetts. Connecticut men were expanding westwards along the stretch of coast between their river and the Hudson, and were also establishing themselves in the eastern half of Long Island; and both these regions were claimed by the Dutch. The latter had their headquarters at New Amsterdam at the mouth of the Hudson, their posts extended up that river to Rensselaerswyk on the border of the Six Nations, and along the coast they claimed ownership southwards to the estuary of the Delaware, which they had conquered from Sweden in 1655. The Dutch were traders rather than colonists, and at New Amsterdam they welcomed illicit cargoes from the English colonies and forwarded

[1] See Kaye, P. L., *Colonial Administration under Lord Clarendon*, and Beer, *Old Colonial System*.

them to Europe. Thus Boston used the Dutch port as an annexe for its own more risky operations, which could be conducted in greater safety under a foreign jurisdiction. The situation therefore amounted to this, that a conquest of New Netherland would gratify and strengthen Connecticut, check the independence of Massachusetts, and render it possible to set about the enforcement of the laws of trade and navigation; it was in fact indispensable to the imperial policy of the ministry. In formal justification there existed the excuse that England had more than once denounced the Dutch occupation as a trespass upon English rights founded on prior discovery and the Virginia charters of James I. The excuse was inconsistent, for England, from the reign of Elizabeth onwards, had strongly asserted the counter-doctrine that effective occupation was the only test of colonial titles; and if the Dutch occupation was not very effective, there had been no attempt at English occupation of any sort save in the eastern part of the territory. There was yet another significance in the conquest of the Hudson waterway—its strategic value in a conflict with New France. But that was a frontiersman's interest, and there is no evidence that it occurred in 1664 to English statesmen, whose eyes were upon the coast and the ocean to the exclusion of the interior. In this respect they were building better than they knew.

The Duke of York, brother of Charles II, undertook the prosecution of the plan.[1] In March 1664 he received letters patent creating him proprietor of certain territory to the north of New England, of the islands from Cape Cod to the Hudson, and of the mainland of the Dutch possessions. He sent out Colonel Richard Nicolls with a force not five hundred strong and orders to enlist more men in New England. At Boston the commander met with a profession of willingness but an actual delay which made the Massachusetts men too late to share in the campaign. Connecticut, on the other hand, provided an effective contingent, and at the end of August Nicolls took New Amsterdam without firing a shot. In October a subordinate occupied the Delaware settlements and the conquest was complete. The Dutch Government made no effort at recovery, and the Treaty of Breda by recognising actual conquests left the colony in English hands. It was in effect exchanged for Surinam.

The exclusive object having been to perfect the system of imperial relationships, the duke did not care very greatly what local institutions were established in the territory so long as that object was attained. This is the clue to his colonial policy, and it explains his political tolerance overseas as compared with his absolutism at home. It explains also his gift of half the conquest to Lord Berkeley and Sir George Carteret, two of the Carolina proprietors; in his view he was delegating a responsibility rather than parting with a source of profit.

[1] See Van Rensselaer, M. G., *Hist. of New York in the Seventeenth Century*; Channing, E., *Hist. of United States*, vol. II, chap. ii.

Whilst the result of the undertaking was yet unknown, he made over to Berkeley and Carteret the land from the Hudson to the Delaware under the name of New Jersey.

Nicolls established his master's authority with very little friction at New York, where the Dutch ex-governor set the example of swearing allegiance. The colony was as yet hardly fit for representative government, much less for autonomy of the New England type, but the arrangements actually made were wise and liberal. "The Duke's Laws", applied in 1665 to the English of Long Island and subsequently to the whole province, allowed liberty of conscience and worship and trial by jury, and personal freedom was certainly not less extensive than in any other colony. In the next Dutch War, that of 1672–4, New York was retaken by its former owners but was restored at the peace. Sir Edmund Andros, a man of firmness and good sense, was governor from 1674 to 1680, and Colonel Thomas Dongan from 1682 to 1688. Andros defined the boundaries with neighbouring colonies and enforced the laws of trade. Dongan was empowered by the duke to introduce representative government, and the first Assembly met in 1683. This step is in sharp contrast with the trend of home politics at the time; and in general it may be said that the character and policy of James, Duke of York, cannot be fairly judged without taking his colonial proceedings into account. Dongan also realised the military importance of the Hudson and made a lasting alliance with the Six Nations who occupied the forest country north of the province. There was no extensive English emigration to New York. At the time of the conquest it contained about 7000 Dutchmen, nearly all of whom remained as English subjects. Huguenots and some German settlers went there during the Restoration period. New Englanders entered the eastern regions, and the duke, who employed Catholics and Protestants indifferently, sent out some Irish officials. The result, as in Carolina, was scarcely an English colony, but neither was it typically American; it was rather cosmopolitan and so remained for a century to come.

The New Jersey grant to Berkeley and Carteret was made in June 1664. The two proprietors agreed to interest themselves in West and East Jersey respectively, the former meaning the south-westward region bounded by the Delaware estuary. The Dutch population of New Jersey was very scanty, and in the first two years it was augmented by new arrivals from England and also from Connecticut and New Haven. The vigorous New Englanders set the pace in political matters and procured the election of the first Assembly in 1668. This body sought at once to establish autonomy of the New England type, and a contest with the proprietors resulted. The Dutch reconquest in 1673 left the immediate future uncertain, and before peace had ensured restitution Lord Berkeley sold his rights in West Jersey to two Quakers, John Fenwick and Edward Byllyng. Hence arose the first

organised Quaker emigration from England, for the purchasers intended to form a colony of refuge for their co-religionists. After the peace of 1674 the Crown granted new letters patent for both New York and New Jersey to the Duke of York alone, in disregard of the Quaker purchase. Andros, who went out to govern the two provinces for the duke, declined to recognise the Quaker rights, but his master was more complaisant and allowed the settlement to proceed. This kindness was partly due to statesmanship, which demanded that the colony should be peopled, and partly to a queer friendship that existed between the Catholic duke and the Quaker William Penn, who had taken over Byllyng's share of the business. Penn, the acknowledged leader of his sect, could command a fair amount of capital, and in 1681–2 he simplified the Jersey problem by buying up the Carteret rights in addition to those of Berkeley. The duke instructed Dongan, his representative at New York, to honour the arrangement, and the separate existence of New Jersey was assured. The colony was not, however, a personal proprietorship of William Penn, but that of a syndicate of which he was the leader. The Quakers were not the most numerous section of the population, and their principles rendered them disinclined for political strife. The government of New Jersey thus fell chiefly to the non-Quakers and, except for its religious toleration, resembled the New England type.

Penn was not content with the New Jersey experiment; he hankered after a colony in which he could put his own pronounced views to a trial unhindered by prior occupation of the field. The Quakers, in spite of the friendship of the Duke of York, experienced bitter persecution in the England of Charles II. Their unworldly stubbornness in petty matters—wearing a distinctive costume, refusing to doff their hats in courts of justice, "theeing" and "thouing" their judges, and interrupting the services of the established Church—aroused more hatred than did their fundamental principles, and both they and their persecutors came to the conclusion that the continued residence in England of their more intransigent members was impossible. Virtuous as they were, authority regarded them as bad citizens, and there was consequently no objection to their emigration; the State, classing them for its purposes with paupers, felons and rebels, felt relieved at their departure and was disposed to facilitate their going.[1] This circumstance explains how Penn was enabled to enter the ranks of the favoured courtiers in obtaining a proprietary grant of a large new area of North America, to which he undertook to draw off his unpopular followers.

The Crown had owed several thousand pounds to Penn's father, who had died in 1670, and ten years later it still owed the money to his son. The latter offered to accept an American grant in payment, and in March 1681 received letters patent for a vaguely defined tract

[1] Beer, I, 29–30.

whose borders were ultimately drawn as those of the present State of Pennsylvania. At the time of granting, however, the province was much larger, and it was soon afterwards made to include the settlements on the south side of the Delaware estuary which had hitherto belonged to New York. The duke freely made over this territory to Penn, but since it was already occupied, its development took a different course from that of Pennsylvania proper, and in 1702 it was separated to form the colony and subsequent State of Delaware. Penn had suggested "Sylvania" as the title of his province, and it was Charles II who attached the prefix, somewhat against the will of the grantee.[1]

New York had become a cosmopolitan colony by the accidents of its history; Pennsylvania was made cosmopolitan by the policy of its founder. The Quakers were strong in Wales and Ireland as well as in England, and contingents from all three countries were among the pioneers. In addition to this Penn wrote a prospectus which was published on the continent in Dutch, French and German, and by this means attracted a number of foreign recruits, chiefly Germans and Swiss, from religious bodies like the Mennonites, whose principles resembled those of the Quakers. From the outset there was complete religious toleration, and all Christians were allowed full political rights; the only restriction was that the sects must abstain from interference with each other's practices. The grant of representative government was a condition embodied in the patent and was acted upon as soon as the pioneers had settled down. Penn drew up an elaborate and unworkable constitution known as the "Frame of Government", but he did not attempt to put it into operation; its council of seventy-two and Assembly of two hundred members were obviously impossible, and it should be read as an academic statement of principle. There was, however, some trace of its influence in the early political arrangement whereby the council (of eighteen members) could alone initiate legislation, and the Assembly (of thirty-six) could alone vote upon it. This peculiarity soon disappeared, and the constitution became one of the normal type, giving scope, it may be added, for the usual dissensions between proprietor and subjects.

Penn himself spent the years 1682–4 in the colony. To him may be attributed two lasting achievements, the establishment of friendly relations between the colonists and the Indians, whose lands were punctually although not too generously paid for, and the laying-out of the capital city of Philadelphia on the estuary of the Delaware. Philadelphia was an example of deliberate planning and not of haphazard growth, and its position guaranteed its future importance, for it stood in the only corner of the province which impinged upon navigable water. Pennsylvania was a spiritual as well as a material experiment. In the former character it succeeded as well as any

[1] See Jones, F. R., *Colonisation of the Middle States and Maryland*, pp. 263–81.

practical man could expect, for it produced a clean-living and tolerant community; but to Penn it was a disappointment, for he expected something more, and with the inevitable squabbles between factions and authorities it fell far short of the example of peace and charity of which he had dreamed. On the material side there was unqualified success. The planting of the pioneers went without a hitch, there was no Indian war and no "starving-time" as in the earlier foundations, and in ten years Philadelphia was exporting surplus foodstuffs to the West Indies. If the saints were no more than passably saintly, they were yet excellent men of business.

The history of Virginia under the Restoration is full of important incidents, but it will be possible to touch only upon those matters which are typical of the position of a Plantation colony in its second generation. By 1660 the formative period was over, and the chief task of Virginia, as of Barbados, was to adapt itself to the general polity of the Empire. Sir William Berkeley, appointed governor by Charles I and displaced by the Commonwealth, resumed office when Charles II mounted the throne. At that date he had lived nearly twenty years in Virginia, understood its interests, and was welcomed as a governor the colony could trust. He identified himself with the planters' protest against the enumeration of tobacco in the Navigation Act of 1660, but failed to secure its repeal. The restriction caused much discontent, and all commercial misfortunes were attributed to it. In reality, as had been apparent more than twenty years before, the depression in the tobacco trade was primarily due to overproduction. The colony's output glutted the English market and had to face Spanish and Portuguese competition on the continent of Europe. The only way to improve the price of Virginian tobacco was to limit the output. To that end the Home Government urged the colonists to turn their attention to flax, hemp and pitch, products which would have rendered the Empire more nearly self-sufficing. But all efforts in these directions failed, either because the commodities were unsuited to the country or because the servile organisation of labour could not be adapted to them.

Narrow and self-centred, the colony developed political characteristics that were typical of the period. An Assembly composed of Berkeley's supporters was elected in 1660 and sat undissolved for sixteen years. During that time many new immigrants arrived and the views of the electorate greatly changed. Nevertheless the ruling clique clung to office, managed public business for their own benefit, and gradually drew apart as an oligarchy treating the newcomers as inferiors. Berkeley, whose character deteriorated with age, abetted this schism in the corporate life. The climax came with a rebellion headed by one Nathaniel Bacon, an immigrant, in 1676. It cost many lives, entailed the recall of Berkeley, and ultimately cleared the political atmosphere. The melancholy sequence of corruption,

incompetence and explosion arose largely from the appointment of a planter governor, such as the people of other colonies were fond of demanding; for an outsider of detached views would hardly have allowed things to go so far.

While it is true that the local leaders in Virginia, as in other colonies of the period, were by no means examples of civic virtue, it is fair to add that the actions of the Home Government were not such as to improve the tone of political life. Charles II, in pursuance of the policy of making powerful subjects responsible for colonial development, granted to courtiers the right to dispose of unoccupied lands in the colony. If the purpose was to ensure the speedy population of waste areas there was something to be said for it, although even then the existing colonists were entitled to some voice in the matter. But the grant to Lords Arlington and Culpeper in 1673 went further and accorded to the patentees the greater part of the patronage of the colony. With good reason the Virginians protested, and negotiations were on foot for the incorporation of the inhabitants as joint owners of the land rights when the rebellion of 1676 put an end to the matter.[1] Berkeley's successors, Culpeper (1679–84) and Lord Howard of Effingham (1684–9), were accused of extortion and were guilty of the bad practice of allowing colonial offices to be held in England and performed on the spot by deputy. These abuses, imperial and local, were typical of the age, and were rampant in the colonies of France, Spain and Portugal as well as of England.

Maryland had on the whole a less troubled record under the Restoration. In the process of imperial development it played its part as the only proprietary colony of the early foundations still retaining that status. The Lords Baltimore continued the cautious and sensible policy which had brought them through the vicissitudes of the Interregnum, and the secret of Maryland's tranquillity is to be found in the personal residence of the ruling family in the colony. Charles Calvert, son of the second proprietor, governed Maryland from 1661 to 1675, and when in the latter year he succeeded to the proprietorship, he continued to live among his subjects until State business called him to England in 1684. During this period the principal topic of controversy was the evasion and enforcement of the laws of trade; Maryland tobacco found its chief markets in Holland and Germany, and the enumeration clause that forced it to travel to its destination by way of England was keenly resented. In general it may be said that the chartered and proprietary colonists experienced less interference with their local autonomy than did those directly under the Crown, and that they took advantage of the looser control to infringe the Navigation Acts much more extensively.

The individualist tendencies observable in most of the colonies during this period were nowhere more strongly marked than in New

[1] Channing, *Hist. of U.S.* II, 63–4.

England. It was natural that this should be so, for a social and political environment of a unique character was established there, the contacts with the mother country were slight—there was very little trade and virtually no emigration—and, above all, the New England merchants aspired to the position of exploiters rather than subordinate members of the Empire. The Plantation trade was their opportunity of wealth, for they had no rich products of their own, and they were determined to carry Plantation goods to continental Europe and manufactures from it, whatever the Navigation Acts might say. It followed from this that, autonomous as they desired to be, they had no thought of secession from the Empire. Apart from the question of defence, they would have been economically lost had they passed outside the imperial system. The time had not yet come, as Scotland was to find, when a minor State could independently enjoy a share of oceanic trade.

Of the five Puritan colonies, Massachusetts was the only one which in 1660 had any royal authority for its constitutional system; in its case the charter granted to the Massachusetts Bay Company in 1629 was still valid. Rhode Island had obtained during the Civil War a parliamentary charter that was now worthless. Plymouth, Connecticut and New Haven had never had any formal authority for their establishment. Clarendon's policy, as already explained, was to favour agricultural Connecticut as against Massachusetts, whose mercantile activity was a threat to the imperial system then in course of consolidation. Connecticut therefore received a royal charter in 1662 which recognised its constitution and allowed it to absorb New Haven. Rhode Island received a similar grant in 1663, and Plymouth could have had one on certain conditions which it preferred to refuse. Plymouth thus continued a precarious separate existence, liable at any moment to be cut short; but as an imperial unit the colony was now unimportant, for its expansion was blocked by the position of its neighbours, it had no good port, and it had already attained the limits of development possible in its existing area. Massachusetts, Connecticut and Rhode Island formed a group known as the charter colonies. Each elected its own governor as well as its Assembly and other State officials, the terms of office were short, and the administration was therefore well under the control of the electorate. Had the franchise been liberal, democracy would have existed. But Massachusetts, and to some extent Connecticut, still contrived to make church membership the qualification for the right to vote, and the result was an oligarchy. Orders from England, it is true, required the abandonment of the religious test, but they were disregarded. Just as the Dutch War of 1664–7 was breaking out, Clarendon sent commissioners to Massachusetts to enquire into its political practices and enforce obedience; but the war diverted their attention, and before its close Clarendon's rule was coming to an end.

Massachusetts therefore escaped with an empty verbal submission and a contribution of timber to the Navy.

From the foregoing it will be realised that a change of tone was taking place in New England. Puritanism was still a vital force, but it was no longer the dominant motive of the leaders' policy; trade and territorial expansion were taking a more prominent place. Connecticut swallowed New Haven and obtained an extension of its frontier westward at the expense of New York, although it surrendered to the latter its pioneers in Long Island. Massachusetts was able by virtue of its autonomy to continue its illegal trade, and it sought persistently to extend its jurisdiction northwards in the direction of the Bay of Fundy. Here the proprietary rights of Gorges and Mason, two members of the former New England Council, stood in the way. Massachusetts bought the claim to Maine in 1678 and took control of that region. New Hampshire, on the other hand, was converted into a royal colony in the following year. Rhode Island had, like Plymouth, an enclosed hinterland, and devoted itself to ocean trade. Its irregularities were as flagrant as those of Boston, but on a smaller scale.

In the last ten years of Charles II the Imperial Government awoke to the contempt shown by New England for the laws of trade. The details of the infraction and the measures for the enforcement of the laws are described later,[1] but the political consequences belong to this chapter. In 1676 the Lords of Trade sent out Edward Randolph to investigate.[2] He reported that wholesale breaches of the law were going on. In 1678 he was appointed collector of customs in Massachusetts and strove manfully to fulfil his task. But the colonial officials were unsympathetic, juries refused to convict the persons he denounced, and it soon appeared that the whole community was bent on passive resistance. That resistance was bound to be effective so long as the community governed itself, and the remedy was to extinguish self-government. Other considerations pointed in the same direction. Massachusetts was not the only mercantile offender, and control would be easier if the several administrations could be united. The frontier rivalry with the French on the upper Hudson was growing serious, and military efforts in the threatened war would be infinitely more efficient if New England and New York could be consolidated under a single chief. At home in England these years witnessed a steady attack upon popular liberty, national and local. Autocracy was in the air, and if in England it was a manifestation of sheer tyranny, in America it was to some extent warranted by the unhappy results of liberty misused and by the superior defence it promised in the event of war.

The Crown was certainly not over-hasty. Randolph complained for eight years without evoking more than a warning to the offenders,

[1] *Vide infra*, chapter IX. [2] See Toppan, R. N., *Edward Randolph.*

but at last the Government struck. In 1684 Massachusetts was charged with violating the terms of its own charter, and that instrument was declared forfeit. The accession of the Duke of York to the throne in the following year facilitated the ensuing steps. Connecticut lost its charter in 1686, and Rhode Island in 1687. The Plymouth constitution, never having been sanctioned, needed no legal process for its suppression. New Hampshire, as a royal colony, was already bound to receive a royal governor, whilst Maine was a possession of Massachusetts. All these units were consolidated by James II into the Dominion of New England, and the experienced Sir Edmund Andros was sent out to take control. Andros suppressed the representative Assemblies, but ruled with the aid of a council containing colonial nominees. Religious toleration was the long-established policy of his master, and he therefore instituted Anglican services at Boston. There was no compulsion to attend, but the existence of surplice and prayer book in Winthrop's promised land were in themselves an outrage to the stiff-necked Puritan oligarchy. Yet there was no resistance, as there would have been in Winthrop's day. Temporal motives predominated; the Empire provided defence and trade, both impossible without its bounds; and New England sat still and bided its time.

In 1688 Andros received commissions for New York and New Jersey, with which his dominion reached its fullest extent. Boston was his peace-time headquarters, as New York would have been had his rule endured until the French war. That struggle had been long in prospect to colonial eyes, but might yet have been long delayed had affairs continued their course in Europe. In 1686 James II signed a treaty with France for neutrality and the maintenance of existing conditions in America,[1] which, though it made little difference to the activities of the frontier leaders, did indicate that the two Crowns desired to avoid hostilities. So things stood in America when the spring of 1689 brought momentous news.

The Revolution of 1688–9 must be considered under two heads: first, its spontaneous process in the colonies; and second, the settlement subsequently imposed by William III. Rumours of the impending fall of James II reached New England before the close of 1688, but definite news arrived only in March of the following year. The popular leaders in Massachusetts at once determined to strike at Andros, and in April he was arrested and imprisoned at Boston by a rising as bloodless as that which had taken place at home. He had a handful of troops and a warship in the port, but the blow was so sudden that he was a prisoner before a shot had been fired; and the knowledge that his royal master was an exile rendered it useless for his adherents to attempt a rescue. Public opinion was in favour of resuming the constitution provided by the late charter, as if that

[1] Dumont, *Corps universel diplomatique*, vol. VII, pt II, pp. 141–2.

instrument had been wrongfully annulled, but the leading men thought it more statesmanlike to negotiate with the new King and perhaps obtain an even better settlement. In Rhode Island and Connecticut there was no need for revolutionary action. They had been governed from Boston under Andros, and when he fell they quietly resumed the direction of their own affairs.[1]

The events at New York are unintelligible without allowance for the cosmopolitan nature of the population, the presence of Catholic officials, and the menace of the French on the frontier. These things gave rise to fears and suspicions which may have been unfounded, and led to the formation of two factions which sought each other's blood although both were in favour of the Revolution. When the flight of James II to France became known, a suspicion gained ground at New York that the acting governor, Nicholson, who had attended Catholic services, meant to call in the French and hand over the colony to their keeping in trust for James. There is no evidence that there was such a plot. But New York contained many French residents, and these, with Irish Catholics, New Englanders, Dutchmen and Germans, formed a mixture which had not yet combined into a homogeneous community. A popular party, Protestant and revolutionary, took the initiative, and under the leadership of Jacob Leisler, a German, seized the fort and proclaimed William III. An aristocratic party under Nicholas Bayard viewed the proceeding with dislike; they also were in favour of William and Protestantism, but they regarded Leisler as a demagogue seeking to make capital out of popular suspicions. Nicholson and the Catholic officials escaped to England, leaving their opponents to fight among themselves. At the close of 1689 a letter of recognition arrived from the Home Government instructing the persons in power at New York to continue to rule until further orders. Both parties claimed the letter, and Leisler secured it and so consolidated his power for two years to come. But his opponents, whom he branded as rogues and papists, were yet lying in wait to ruin him.

In the remaining American colonies and in the West Indies, the Revolution caused little disturbance. There was a period of rumour and uncertainty amid which interested persons sought to overthrow proprietary rights, but in general the outcome was that the colonies looked to the Home Government for a settlement. This was because the Revolution raised no question of principle in any quarter but the New England Dominion. There were disputed questions, but it cut across them, and the new monarchy was not likely to take up an attitude radically different from the old. Even at New York the trouble had been chiefly due to local dissensions.

It was unfortunate that the English Revolution entailed rebellions in Ireland and Scotland and a great war with France, for these things

[1] Guttridge, G. H., *Colonial Policy of William III*, pp. 25–6.

not only delayed the imperial settlement but caused it to be piecemeal and unsatisfactory. William III, enmeshed in party politics and campaigning in Ireland and Flanders, had no time to apply his statesmanship to the colonies, and he found among his ministers no one whom he could really trust for the purpose. For two years all was hand-to-mouth and provisional, like the recognition of Leisler, but in 1691 the Government was able to spare some attention for the business. At the end of that year William approved a new charter for Massachusetts. It differed from the old in two important respects: the governor and his deputy were appointed by the Crown, and the Assembly was to be elected by the freeholders and not, as formerly, by the freemen of the Massachusetts Bay Company, a large distinction which transferred the franchise from the narrow circle of church membership to the mass of the property owners. The old oligarchy was dissatisfied, but it is evident that a considerable section of the population was pleased with the change; for in the seventeenth century the word "liberty" had been capable of strange interpretations. Maine was placed once more under the control of Massachusetts, and Plymouth was absorbed in that colony, after having vainly sought to resume its self-government on the fall of Andros. New Hampshire became a separate royal colony, whilst Rhode Island and Connecticut had their Restoration charters restored unaltered and therefore remained as the most completely autonomous units in the Empire.[1]

Meanwhile New York had been dealt with. The Home Government, in spite of Leisler's enthusiasm on its behalf, had behaved coldly towards him and had accorded him no personal recognition. In the colony his faction lost ground owing to his lack of success in resisting French and Indian raids. When, therefore, a new governor, Colonel Henry Sloughter, arrived in 1691 with a commission entirely ignoring his predecessor's status, Leisler was in so desperate a position that he was tempted to resist. He was overcome, tried by his opponents, and executed for treason in May 1691. Like the greater tragedy of Glencoe, it was a miscarriage of justice in which a faction took their revenge under cover of the authority of a distant King whose preoccupations compelled him to entrust his good name to unworthy keeping. The constitutional settlement made New York a royal government with an elected Assembly and institutions similar to those of Virginia.

Of the proprietary colonies, Maryland was placed in an intermediate position. Lord Baltimore, as a Catholic, had his rights suspended but not annulled, and the Crown appointed the governor until 1715, when a new and Protestant Lord Baltimore recovered the proprietorship. New Jersey returned to the control of its proprietors after its brief membership of the New England Dominion, and the

[1] Guttridge, pp. 24–6.

Carolinas remained under the authority of their proprietary partnership, an authority more nominal than real for reasons already explained. William Penn, as a notorious friend of James II, also temporarily lost his right of control, but recovered it earlier than did the Calverts; but his authority was hardly effective, and Pennsylvania long remained in an unsatisfactory condition. In 1702 the Delaware region spontaneously separated from it and was allowed to continue as a distinct colony under the same nominal authority. In Virginia and the West Indian islands the revolutionary settlement involved no constitutional changes, and the appointment of new governors met the needs of the situation.[1]

The revolutionary settlement was completed in 1696 with the establishment of the Board of Trade and the passing of the Navigation Act of that year—matters which are dealt with later.[2] From the colonial point of view they represent, together with the decisions already recorded, a confirmation of the imperial system outlined at the Restoration and an attempt to make it more effective. The alternative, the constructive policy of 1684–8, of consolidation into dominions and centralisation of government within their bounds, was discarded. Could it have been pushed to success, it would have strengthened the Empire and improved its tone. On the other hand, the failure of the policy, of which the chances were considerable, would probably have hastened American separation by providing a ready-made mechanism of revolt. All really depended upon the persons engaged in the task, and whether they would have proved strong, wise and lucky enough to tide over the period during which the new institutions were taking root. The advisers of William III avoided the venture and played for safety; and we knowing, as they could not, the history of the following century, can only regard their proceedings as an opportunity missed.

The history of the colonies from the Revolution to the Treaty of Utrecht is overshadowed by the French wars, whose general course is related elsewhere.[3] To statesmen in all the belligerent countries the military interest lay in Europe, with the colonies in the background as counters for the peace negotiations. The wars thus produced no comprehensively planned campaigns across the ocean like those of the elder Pitt. Instead there occurred a series of little separate wars for limited objects, not taken seriously because all but the local men realised that the ultimate decisions depended upon the fate of battles in Flanders, the Channel and the Mediterranean. This ineffectiveness of the colonial war was not inevitable, as Pitt was to prove; the ocean was a decisive field for the negotiators and could have been made one for the commanders. But the occasion did not find the man; the Home Government was hampered by slow communications and the

[1] Guttridge, pp. 36–40.
[2] See chapter IX.
[3] See chapters. X, XVIII.

colonies by their individual and narrow outlook; and New France, which could have been conquered by a united imperial effort, lost only its fringes in 1713.[1]

Certain other topics need mention to complete the survey of the Restoration Empire. The Newfoundland colony was very small, not attaining a permanent population of 1000 during this period, but the fishery was important as a source of men for the Navy. The great majority of the fishermen returned to English ports for the winter, and their spokesmen made ceaseless complaints of the conduct of the colonists. But for the rivalry of the French and the fear that they would claim the whole island, it is probable that the English Government would have compelled its own colonists to evacuate their villages in response to the demands of the seasonal fishermen. As it was, a French colony was planted and lived side by side with the English until the Treaty of Utrecht settled the matter by giving England the sovereignty of the island although with a reservation of French fishing rights. A parallel question was that of Hudson Bay. Charles II's charter in 1670 gave the Company a monopoly of trade within the watershed surrounding the coast.[2] French invaders by sea and overland from Canada captured most of its forts during the wars of William III, and these posts were not restored until 1713, when the Company resumed the profitable trade it had followed before 1689. The fortunes of the Royal African Company are described later.[3]

Finally, the East India Company must be noticed, although its history is dealt with elsewhere.[4] Charles II and his brother were its patrons and defenders against the jealousy of the non-privileged traders. After the Revolution these latter obtained the support of Parliament and a charter of incorporation in 1698. There were thus two East India Companies, the old or London, and the new or English. After a bitter struggle they agreed to amalgamate in 1702; seven years later the fusion was completed and the United East India Company began its career.[5]

In the course of its trading operations the East India Company had founded a small colony in addition to its eastern factories. The voyage round the Cape of Good Hope was so long as to necessitate a halt for water and fresh provisions at some point in its course, for the crews carried by the Indiamen were much more numerous in proportion to the tonnage than those of modern sailing-ships. Under the old conditions scurvy and starvation were constant dangers in crowded vessels, and the East India trade caused a serious wastage of the national strength of seamen. In the early seventeenth century the

[1] See Guttridge, *op. cit.*, and the Prefaces of *Calendars of State Papers Colonial* for the period.

[2] Willson, B., *The Great Company*; Scott, W. R., *Joint Stock Companies*, vol. I, chap. xv, vol. II, pp. 228–37.

[3] See chapter xv.

[4] See volume IV.

[5] Scott, vol. I, chap. xvi, vol. II, pp. 128–88.

English and the Dutch were in the habit of calling at the Cape for refreshment. In 1652 the Dutch took formal possession, organised a little settlement to grow foodstuffs, and naturally excluded their competitors from its advantages. The English Company therefore looked for another site, and in 1659, after its reorganisation by the Protectorate, occupied St Helena. The first colony had an unhappy history of dissensions between the settlers and the authorities, and came to an end when the Dutch captured the island early in 1673. Later in the same year St Helena was retaken and the colony refounded. Thenceforward it continued its career, unobtrusively fulfilling its function in the great process of eastern trade. Modern changes in shipping and trade routes have diminished its importance.[1]

The East India trade excited the ambition of Scotland to share in oceanic enterprise. By the terms of the Navigation Acts the Scots were excluded from trade with English possessions, although their seamen were tacitly accepted as "English" for the legal manning of English-owned ships. In 1695 the Scottish Parliament passed an Act establishing a national company to trade with Africa and the East and West Indies. Its chief activity was an attempt to plant a colony in Darien, and its disastrous failure had much to do with the exasperation of Scottish feeling for which the Union of 1707 proved the ultimate remedy.[2]

Whether Scotland had a real grievance about Darien is now happily nothing but an academic question. The scheme failed by reason of its own unsoundness, for the promoters sent their men filibustering in time of peace, whilst at home they gambled upon the undefined constitutional relations of a common Crown with two independent legislatures. But behind the effort, and lending passion to untenable arguments, was the greater question of Scotland's destiny. The Lowland Scots, a people akin to the English, had long carried on a trade across the North Sea and had shared in the fisheries of the Iceland coast. At the opening of the sixteenth century James IV had built a fighting fleet of considerable strength, and Scottish privateers had been active in European waters throughout the warfare of the Reformation. Scotland had thus a maritime tradition. In the seventeenth century, a time of almost continuous peace, her mercantile interest had grown strong and accumulated capital. At the same time the more fortunate maritime States were demonstrating how great a national power and wealth could be derived from the colonial and Asiatic trades. It was therefore natural that patriotic Scots should grow tired of fighting for Dutch merchants and German princes and

[1] See "The History of St Helena and the Route to the Indies, 1659–1702", an unpublished thesis by W. C. Palmer in the Library of the University of London.

[2] Insh, G. P., *Papers relating to the Company of Scotland*; Barbour, J. S., *William Paterson and the Darien Company*; Scott, II, 207–27.

should demand an opening to the wealth of the oceans. With the Darien Company they tried on separatist lines and failed; there was no room for an infant oceanic power at this late date in European expansion. But the Act of Union made them free of the English Empire, which from 1707 became the British Empire, with nothing but benefit to both the partners. The English treasury indemnified the Darien shareholders, and the English Navigation Acts were extended to share with Scotland the huge monopoly they had built up.

To the narrow view the English maritime interest was making a sacrifice; but it was well repaid. The United Kingdom, dreamed of by Edward I and Henry VIII, became a fact. The liberties of both countries were secured; the Stuart attacks of the eighteenth century were supported only by a Scottish faction and not by the Scottish nation, as they might otherwise have been. Across the ocean the Plantation trades brought wealth to the merchants of Glasgow and Edinburgh and opened a market to the manufactures of an industrial belt which has greatly increased the population of Scotland. The Scots on their side added strength to the Empire. Canada owes much to them, first as factors and explorers for the Hudson's Bay Company, and afterwards as settlers in Ontario and the prairies. The Highlands, effectively incorporated in the kingdom after 1745, furnished to the American colonies settlers who were for the most part loyalists in the War of Independence, and to the Empire at large soldiers who have made their mark all over the world. Scottish names are prominent in the later history of British India, in the colonisation of Australia, New Zealand and South Africa, and in the development of all the tropical dependencies. Scottish shipowners and seamen have borne a great part in the predominance of the British mercantile marine. With such wisdom did the men of 1707 turn evil into good by an achievement greater than the Battle of Blenheim or the Treaty of Utrecht.

The growth of colonial population was an important factor in producing the state of sentiment towards the mother country which developed during the period. Some illustrative figures are therefore given below; but it should be realised that the statistics are imperfect and often unreliable, for no systematic census was ever taken under the old Empire. The totals are combined from estimates by various observers who differed in ability and prejudice, and the matter is one upon which further research may yield corrections.[1] Taking 1660, 1688 and 1713 as convenient dates, it may be computed that the New England group of colonies contained about 33,000, 79,000 and 110,000 inhabitants in those years respectively. None of the middle colonies (New York, New Jersey, Pennsylvania and Delaware) was

[1] The figures are drawn or in some cases inferred from Dexter, F. B., "Estimates of Population in American Colonies", in *Proc. of American Antiquarian Soc.* N.S. v, 22 seqq., with modifications from various other sources.

in English hands in 1660, but New York is stated to have had about 7000 Dutch inhabitants in 1664; in 1688 and 1713 the middle group contained some 42,000 and 73,000 respectively. For the southern or Plantation colonies (Maryland southwards to South Carolina) the three totals were probably 30,000, 90,000 and 157,000, most of the growth occurring in Maryland and Virginia. The figures for the southern colonies include a certain number of negroes, but slavery had not yet attained the proportions evident in the middle of the eighteenth century. The totals for all the American colonies at the three selected dates amount to 63,000, 200,000 and 350,000; and in the eighteenth century there was a great increase by which the population doubled itself roughly every twenty years. The indications are that although immigration was appreciable, the increase was mainly due to multiplication of the pioneer stocks in an environment which offered cheap land, a healthy climate and good trading facilities. The British West Indies were not thus affected. It is probable that there were no more white men in them in 1713 than in 1660, for the immigration was barely sufficient to balance the excess of deaths over births. Negroes, however, were imported in increasing numbers, and the total population (including that of Bermuda) may be estimated at 85,000, 150,000 and 200,000 in the three chosen years. Of the last-named figure probably three-quarters were negroes. In general it may be said that the West Indian planters remained in a dependent position from which they had little prospect of escaping; but that the American settlers, although not yet confident of ability to stand by themselves, were on the way to the multiplication of numbers that enabled them to become an independent nation in the eighteenth century.

CHAPTER IX

THE ACTS OF TRADE

THOUGH the beginnings of a colonial policy may be discovered in England's relations with Virginia and Bermuda after 1620 and also in the legislation of the period of the Commonwealth, it was not until the capture of Jamaica in 1655 that the interests of the merchants were sufficiently enlisted to lead the Government to formulate a definite commercial and colonial programme. The new colonial territory, acquired by conquest and free from private control, opened a promising world to the capitalists of London and elsewhere, while the cessation of civil warfare and the diminution in England of religious and political animosity created a favourable *milieu* for the accumulation and expenditure of wealth. Merchants, traders, sea captains, and promoters were growing in influence and were ready to engage in new enterprises, so soon as England's conditions were favourable. For the moment, however, a heavy burden of debt lay upon the country, which in 1659 was "more than double the largest recorded Crown liability before 1641".[1] In 1658 and 1659 the country was in the throes of a financial panic which rendered imminent a serious industrial crisis and demanded a change of government. To continue the Protectorate was suicidal; men wanted tranquillity and a reduction of taxation. The restoration of Charles II was due in no small measure to the incompetence of the Puritan administration on the financial side.

To meet the demands of those who, for some years, had been advocating a more efficient control of trade and foreign Plantations, the King, on 4 July 1660, appointed a committee of the Privy Council to consider Plantation questions; and later in the year, acting upon the advice of Clarendon and in accord with the plans of the merchants themselves, he created two special councils, one for trade and the other for foreign Plantations. These councils—successors of the committees of trade of 1650 and 1657 and forerunners of the councils of 1668, 1672, and 1696—though destined to have short lives of but four or five years, are of the utmost importance, in that they inaugurated a system of commercial and colonial oversight that was to continue, with some intermissions, for nearly a century and a quarter. In the instructions to these various bodies, covering the years from 1660 to 1696, may be found a definition of commercial policy and a shaping of the colonial relationship that were to remain essentially unchanged during the continuation of the old British system.

These select councils had a chequered career. The Council of

[1] Scott, W. R., *Joint Stock Companies*, I, 260.

Trade, in abeyance after 1665 because of the distracted condition of the kingdom, was abolished in 1668 and a new council appointed. This council in turn, after an inactive existence of four years, was abolished in 1672 and its functions were transferred to the select Council for Foreign Plantations, which had been revived, 3 August 1670, under the influence of Lord Ashley (later the Earl of Shaftesbury), and which, as the Select Council for Trade and Foreign Plantations, sat from 13 October 1672 to 22 December 1674. After the fall of Shaftesbury, this council also was abolished, owing probably in large part to the inability of the Government to meet the expense; and its duties were transferred to the committee of the Privy Council, which under a special commission of February 1675 performed, but in a more authoritative manner, essentially the same work as that of the earlier councils. This important committee, the Lords of Trade, was composed as a rule of men high in rank, office, and influence, and though it underwent frequent changes in *personnel*, notably after the Revolution of 1689, it sat for twenty-five years. Finally, under the pressure of influential mercantile leaders, who were dissatisfied with existing trade conditions and with the indifference and carelessness of an inexpert and amateur body such as the Lords of Trade were showing themselves to be, Parliament determined to re-establish the old system of select councils. In a vigorous resolution, which reproduced substantially the instructions of 1672, it laid down the terms under which such a council should carry on its work. But King William, always jealous of his royal rights and deeming the action of the House of Commons an encroachment on the powers of the prerogative, took the matter out of the hands of Parliament and on 15 May 1696, by warrant under the sign manual, brought into being the Lords Commissioners for Trade and Plantations, commonly known as the Board of Trade.

The series of instructions issued from 1660 to 1696, considered as a whole and with regard to their development, constitute a commercial and colonial programme that determined for more than a century the policy of the executive towards trade and the colonies. Shaped by the London merchants in its earliest form and elaborated by Shaftesbury and Locke later, this programme underwent very little change during the whole period of its enforcement. Its fundamental purposes were the supervision and regulation of domestic and foreign trade, the encouragement of home manufactures, and the advancement of fishing and shipping. The control of the Plantations constituted an integral but subservient part of this programme. Viewed as a source of such raw materials and tropical products as England needed, the Plantations became a matter of commercial rather than colonial concern, and the various councils were enjoined to discover, then and always, how best these colonies could be made useful and beneficial to the mother country. To this end the councils were

directed to inform themselves of the condition of the colonies, their administration, complaints, and needs; to provide newly appointed governors with instructions; to enquire into the course of justice; to ascertain what laws were passed and to scrutinise their "constitutionality". Furthermore, they had to determine how best to advance the welfare, defence, and security of the Plantations; to inform themselves regarding the inhabitants—planters, servants, and slaves, and to aid in their increase and proper distribution; to promote the moral and spiritual status of servants, slaves, and Indians; to prevent crimping and spiriting, and to devise means for improving and increasing colonial commodities. Also they were to regulate colonial trade in such a way as to render each colony serviceable to the others and all serviceable to England; to watch over the execution of whatever Acts Parliament passed for the benefit of commerce; to procure maps, charts, and descriptions of routes and channels; to enquire into rates and duties, the systems of other countries, and their methods of managing their colonies; to ascertain what colonial staples were deserving of encouragement, what trades there were that were likely to be injurious to England, and, if any such should be found, to make every effort to turn colonial activities into the proper channels. But the councils were invested with no executive functions, and had no power to dispose of any public money. Their duties were inquisitorial and advisory; throughout their entire history they made no attempt to formulate or recommend any fundamental principles of colonial policy, other than those laid down in their instructions, and at no time did they show any serious interest in adapting their ideas regarding colonial administration to the changing conditions of colonial life. Herein lay the weakness of the old British system.

While Charles II and his successors were appointing councils and drafting instructions, Parliament was determining the rules that were to govern the trade and navigation of the kingdom. The principles underlying these rules were not new, for in one form or another, chiefly by executive order, they had been in application since the beginning of settlement; but they were new as a subject for effective parliamentary legislation, because the Commonwealth Navigation Act of 1651 had ceased to have validity after the restoration of the monarchy. Those who now felt the necessity of supplanting the Order in Council by an Act of Parliament had a threefold object in view. Because of the futility of the Act of 1651, which had failed to wrest the carrying trade from the Dutch, they wished, first of all, to restate more emphatically than before the essential features of that Act, and thereby to ensure the promotion of English shipping and seamanship and to secure for England complete control of her own carrying trade. In the second place, they wished to utilise the colonies as a source of such commodities as England needed for her own consumption and so to rectify, if possible, an unfavourable balance of trade with certain

parts of Europe and the East. In the third place, they wished to protect British mercantile interests and to increase the customs revenues by making England the staple through which all manufactured goods that were taken to the Plantations would have to pass. These objects were attained in two important measures, one passed by the Convention Parliament in 1660 and the other by the Cavalier Parliament in 1663. Certain supplemental measures of 1662, 1671, and 1673 added explanations and filled in gaps, but in no way altered the main features. Behind these Acts were merchants and promoters without official position, such as Martin Noell, James Drax, Maurice Thompson, and Thomas Povey; office holders, such as Joseph Williamson, Richard Nicolls, John Werden, Robert Southwell, and George Downing, perhaps the most persistent and influential of them all, and statesmen of the first rank and members of the royal family, such as Clarendon, Arlington, Berkeley, Anthony Ashley Cooper, Prince Rupert, and the Duke of York. Clarendon, who had great weight with the King, was constantly urging upon him the importance of shipping, the fisheries, and the Plantations as a means of increasing the revenues, and calling to his attention the "infinite importance of the improvement of trade". Royalists and Parliamentarians alike upheld the principles upon which the Navigation Acts were founded and party lines had little place in the support of these measures.

According to the Act of 1660, the first seventeen clauses of which were but a confirmation and elaboration of the Act of 1651, no goods or commodities were to be carried to or from the Plantations except in ships owned by people of England, Ireland, Wales or Berwick-on-Tweed, or were built in and belonged to the Plantations. Of these ships the masters and three-fourths of the sailors must be "English". "English" was defined in 1662 as meaning "only his Majesty's subjects of England, Ireland, and the Plantations", thus excluding the inhabitants of the Channel Islands, the Isle of Man, and apparently Scotland. In the case of the first two an exception was made as regards their shipping, which was construed as "English built",[1] and by common law interpretation, at that time deemed more binding than a dictum of Parliament, Scotsmen were accounted Englishmen within the meaning of the Act, on the ground that since 1603 they had been "His Majesty's subjects", because born within the King's allegiance. Jews born abroad were excluded,[2] as were all aliens and foreigners unless they had been naturalised or made full denizens.

The requirement that three-fourths of the sailors be "English" was more precise than the "for the most part" of the Act of 1651, and by just so much the more was it impossible of enforcement, particularly as the further rule was laid down that the proportion be maintained for the whole voyage. Later the practice became common of filling

[1] Act of 1662, § vii; *House of Lords MSS*, N.S. II, 484 (Hist. MSS. Commiss.).
[2] Cf. *Cal. St. Pap. Col.* 1661–8, no. 140.

up vacancies, due to desertion or other causes, by taking on foreigners, notably in the Mediterranean, partly because Englishmen could not be obtained and partly because foreigners generally served for lower wages. In times of war, as in 1709, 1740, and 1756, the proportion was lowered to one-half and even one-quarter, and it was further enacted that foreigners serving for four years on English ships would be considered natural-born subjects of England.[1]

According to the Act of 1660 (§ vii) English-built ships were construed as those of England, Ireland, the islands of Jersey and Guernsey, and the Plantations. The question naturally arose as to whether foreign-built ships could be utilised and, at first, was answered in the affirmative (§§ x, xi), in case the owner took oath that such vessel had actually been bought by him and was duly certificated and registered. But this privilege was soon withdrawn by an explanatory Act of 1662, according to which no foreign-built ship could engage in the Plantation trade after December of that year.[2] This Act was itself explained by several subsequent Acts, and in a number of cases foreign-built ships were made "free" by Orders in Council.[3] In 1716 a bill was proposed by the Treasury to prevent foreign-built ships from entering the general registry by way of Scotland, unless such vessel had been Scottish property at the time of ratifying the treaty of Union and registered accordingly, but this bill was never introduced into Parliament.[4] Difficulties were always likely to arise regarding English-built ships rebuilt in a foreign country, for if such a vessel had left in it but a single original plank, it was deemed the same ship in law. After 1747 only prize ships, legally condemned, were rated as English-built.[5] At least one ardent mercantilist raised the question whether "English-built" did not mean that the vessel had to be constructed of English timber,[6] but the scarcity and dearness of English timber made importation unavoidable, though, throughout the eighteenth century, Plantation material was sought for and obtained whenever possible.

Simple as seemed to be the rule concerning the carrying trade, it involved some difficulties in practice. Protests were entered by inhabitants of the island of Jersey at the restriction of their opportunities, and efforts were made to obtain relief. But the Privy Council would admit of no relaxation of the law, and consequently the Channel Islands became the scene of a good deal of smuggling in defiance of the Navigation Acts as well as of the Acts relating to the trade with France.[7] There was nothing in the Acts preventing colonial vessels from carrying foreign commodities directly to Europe, as, for example,

[1] 6 Anne, c. 37, § xx; 13 George II, c. 3; 28 George II, c. 16.
[2] 13–14 Charles II, c. 11, § vi.
[3] *Acts of the Privy Council, Colonial*, I, no. 1272.
[4] P.R.O., Colonial Office, 388/15, M. 179.
[5] 20 George II, c. 45, § ix.
[6] Petyt, *Britannia Languens*, p. 52.
[7] *A.P.C., Colonial*, I, nos. 926, 932, 957, 1068, 1072, 1182; *Cal. St. Pap. Col.* 1675–8, no. 840.

French sugar to Holland, and nothing barring East India ships from trading directly with the Plantations, until they were forbidden to do so by an Order in Council, 2 October 1721, instructing the colonial governors not to permit it.[1] About the same time the question was raised as to whether Spanish ships, coming from Spanish ports in America and laden with the products of those countries, might not sell their cargoes at a British Plantation and load again with British produce, but the answer was in the negative.[2] Again, the question as to whether negroes were "commodities" in the sense of the Acts was eventually decided in the affirmative.

Thus far the Act of 1660 varied but slightly from that of 1651 and did little more than re-enact a law that had been rendered void by the Stuart restoration. But at this point appears a regulation[3] not to be found in the Commonwealth Act, though frequently enforced by Orders in Council before 1640 and at least implied in the instructions to the Council of Trade of 1650, to the effect that as the colonies were the natural sources for the raw materials needed in home industries, colonial commodities of this character should be entirely monopolised by the mother country. Accordingly, certain unworked staples of the Plantations—sugar, tobacco, cotton-wool, indigo, ginger, and such dye-woods as fustick, logwood, and brazilletto were "enumerated", that is, could be brought only to England, Ireland, Wales, and Berwick-on-Tweed. This clause was not introduced until the third reading of the bill and has been attributed to Sir George Downing. But there was nothing new in the principle involved, though neither the Council of State, the Committee of Trade under the Commonwealth, nor the Committee of Trade under the Protectorate ever attempted to apply it even in a restricted sense. The clause did not enumerate all colonial commodities, but only certain ones which were needed in the household, the pharmacopoeia, and the textile industries, or, as in the case of tobacco, which helped to swell the customs revenue, and as it omitted to put on the list fish, grain, and lumber, all of them important staples of the continental American colonies, it affected New England and the middle colonies scarcely at all.

As time went on this list of enumerated commodities was very considerably extended, partly for the sake of the industries in England that were benefited thereby and partly for the sake of the customs revenue. First, cocoanuts, though at this time not strictly speaking enumerated, were construed as coming within the meaning of the clause.[4] Then Captain Michael Cole, a trader and master of a vessel doing business with South Carolina, stirred up the Lord High Treasurer and the Commissioners of the Customs to obtain the

[1] *Journal of Commissioners for Trade and Plantations*, 1718–22, p. 200.
[2] *Ibid.* pp. 138–9.
[3] § xviii.
[4] "Any of the [enumerated] commodities or cacao." *Maryland Archives*, xx, 264, 352.

inclusion of rice in the clause of a bill of 1705 which enumerated molasses, maintaining that the carrying of such a commodity directly to the European continent was "to the great prejudice of the trade of the kingdom and the lessening of the correspondence and relation between this kingdom and the plantations". But so manifestly disadvantageous was this enumeration of rice and so many were the protests raised against it, that at least as early as 1721 and finally in 1731 and 1735 the restriction was in part removed and both South Carolina and Georgia were allowed to export rice directly to points south of Cape Finisterre. This privilege was further extended in 1764 and 1765 to include other colonies and a wider southern area. Naval stores, copper, beaver and all other furs followed rice and molasses, thereby adding staples that affected the northern as well as the southern colonies. Beaver was enumerated to keep it out of the hands of the French, with whom Great Britain was in continuous conflict over the monopoly of fish and furs. After 1764 the list was further extended by the addition of coffee, pimento, cocoanuts, whale fins, raw silk, hides and skins, pot and pearl ashes, iron, and lumber from America, and gum senega from Senegambia, a royal colony for twenty years after 1763.[1] In 1766 and 1767, when England was endeavouring to tighten up her whole colonial system, the rule was laid down that even if a commodity were not enumerated it had to be sent to England or to some country south of Cape Finisterre, thus making complete the monopoly of the colonial market, as far as northern Europe was concerned. This was what many mercantilists had wanted from the beginning, for it prohibited all direct trade in colonial products north of Spain. Mercantilism in its relation to the colonies had now reached its peak.

The Act of 1660 covered two of the three main objects of the Navigation Acts—shipping and the enumeration. The third—the staple—was dealt with in 1663. The measure then passed was known as "An Act for the Encouragement of Trade", and in two of its clauses provided that all commodities of the growth, production, and manufacture of Europe, destined for the Plantations, should first be carried to England, Wales, or Berwick-on-Tweed in lawful shipping, lawfully manned, and there put on shore before being carried to America. This meant that with a few exceptions all the foreign import trade of the Plantations had to pass through England as a staple, and that foreign or manufactured goods had to be unladen in one or other of her ports and there reladen as if they were English commodities. The same drawbacks were allowed (except in the case of foreign ironware and cordage) on all continental goods re-exported from England to Newfoundland and the Plantations that were allowed under the same circumstances to foreign countries.[2] The exceptions

[1] 5 George III, c. 37; Adam Smith, *Wealth of Nations* (The World's Classics edition), II, 273.

[2] *Board of Trade Journal*, 1714–8, p. 119.

admitted by the law were three. First, salt for the fisheries of New England, Nova Scotia, and Newfoundland, much of which came from the Isle of May (Maio) of the Cape Verde group belonging to Portugal, the sole right of exportation having been granted to England by Portugal in the marriage treaty of 1661. Secondly, servants, horses, and provisions from Scotland and Ireland, and, later, linen from the latter country. The exception ceased to apply to Scotland after 1707,[1] and in the case of Ireland led to some ingenious attempts at evasion, as when shippers listed candles and soap as "provisions" and when called to book offered to prove their point by eating them.[2] Thirdly, wines from Madeira and the Azores, a traffic that attained considerable dimensions in the northern colonies, in which wheat, flour, and pipe staves were exchanged for wine. In this connection the question arose as to whether or not wines from the Canary Islands were similarly excepted. The matter was first brought up in 1686; then in 1702 Randolph called attention to it and asked for a ruling.[3] As might have been expected, the customs officials and the Board of Trade replied in the negative,[4] but the legal authorities had their doubts, for they thought that the Canaries were more African than were either Madeira or the Azores and so ought to be equally privileged. A decision in a New York vice-admiralty court in 1704 was adverse, and it was generally conceded in the colonies that Canary wines could not be imported directly. Hence much smuggling took place.[5]

The idea of the staple was old, but its application to the colonies, with the whole realm of England as the staple, was new. The objects of the Act were to maintain "a greater correspondence between [the Plantations, peopled by the king's subjects] and this kingdom of England", to keep them "in a firmer dependence upon it", to render them "more beneficial and advantageous unto it in the further employment and increase of English shipping, vent of English woollen and other manufactures and commodities", to render "the navigation from the same more safe and cheap", to make "the kingdom a staple, not only of the commodities of those Plantations but also of the commodities of other countries and places, for the shipping of them"; and to follow "the usage of other nations" of keeping "their plantation trade to themselves".[6] The colonies were increasing in number and importance; old settlements were being strengthened and new settlements proposed. Plans for the seizure of New Amsterdam were under consideration, and a general advance for the benefit of trade

[1] *Cal. St. Pap. Col.* 1661–8, p. 526.
[2] *Some Thoughts humbly offered toward a Union between Great Britain and Ireland* (1708), p. 19; *Cal. St. Pap. Col.* 1677–80, no. 1304.
[3] P.R.O., C.O. 388/8, E. 9, p. 13.
[4] *Ibid.* 389/28, pp. 43–5. Representation of 15 August 1721.
[5] *Historical MSS Comm., Polwarth MSS*, II, 14.
[6] Repeated in 22–23 Charles II, c. 26, §§ x, xi.

and colonisation was already in the minds of the Duke of York and those in his confidence, who were projecting the founding of new colonies—the Jerseys, the Carolinas, and the Bahamas. To Englishmen colonies were becoming a part of the fixed scheme of things and the proper principles according to which their relationship with the mother country was to be determined were already undergoing definition. A new era was opening, and the dependence, even subserviency, of the colonies upon England had to be made clear at the outset. To allow the colonists to buy elsewhere their woollens and the finished products of countries other than England and to carry them from the place of purchase directly to their own ports, passing by the merchants and manufacturers of the mother country and taking advantage of the lower French and Dutch prices, to their own advantage and the injury of English trade—such a policy was inconceivable. It was necessary to consider not only the loss of the customs revenue, the injury to the balance of trade, and the political disadvantages that might accrue, but also the possible frustration of the efforts the Government was making to recover from the bankruptcy of the Puritan administration and to place the kingdom once more on a sound financial basis. Trade was becoming essential to the attainment of solvency, and this fact was never more evident than during the first years of the Restoration when the Navigation Acts were passed.

Immediate steps were taken to put the Acts into execution. Letters were written to the governors of all the colonies ordering them to see that all foreign trade with the Plantations be strictly prohibited, and reminding them that any neglect or connivance on their part would be followed by heavy penalties. The Act of 1660 required of them, at the risk of being discharged from their employment if they failed, a solemn oath binding them to do their utmost that the Act "be punctually and *bona fide* observed", an obligation that was repeated and reinforced by the Order in Council of June 1663.[1] The governors were also to keep accounts of all vessels trading to their particular colonies and twice a year to send to England the names of both ships and masters. They were to transmit copies of all bonds, such as the Act required all masters to furnish at the port of clearance to the effect that they would carry their cargoes to England or to some other Plantation. They were to scrutinise all foreign-built ships coming to the colony to see whether or not such ships were trading legally, had the proper certificates, and had given the proper bond. The Act of 1663 required all masters to furnish the governors with complete information regarding their ships and cargoes, and placed the governors themselves under the additional obligation of taking oath in England before departure and of giving security at the Exchequer or elsewhere. According to later rulings all governors appointed by proprietors were to have their bonds approved by the Attorney-

[1] *New York Colonial Documents*, III, 45–6.

general, their securities accepted at the Exchequer, and their certificates issued out of the office of the King's Remembrancer.[1] Bonds in the case of the corporate colonies were to be given in America, though the form of such bonds had not been drawn up even as late as 1722.[2] From time to time special trade instructions were issued to the governors, which in the case of the proprietary colonies were sent to the proprietors. Thus in all the colonies—royal, proprietary, and corporate—the governors were made the sole responsible agents for carrying out the Acts of Trade in America.[3]

During the period from 1660 to 1673, experience showed that an effective administration of the Acts was going to be both difficult and slow. One obstacle was removed by the capture of New Netherland from the Dutch in 1664, but even that event was far from ending the Dutch trade with the colonies. Trouble also arose because of the exclusion of the Scots, while within a few years the place of Ireland in the commercial scheme was to prove so unsatisfactory as to become a matter of acute controversy. But for the moment the most pressing issue was not the problem of Holland, Scotland, or Ireland, but a defect which revealed itself in the Act of 1660 and which called for early attention because the colonials were taking advantage of it. The situation was as follows. Under the Act all persons wishing to trade in enumerated commodities had to furnish a bond in England, the value of which was determined by the tonnage of their ships, to carry the staple—sugar, tobacco, etc.—either directly to England or to one of the Plantations. This carrying of an enumerated commodity from one Plantation to another, without customs duty at either end, was permitted in order that a coastwise trade might be built up for the benefit of the colonists themselves. But in operation this privilege was abused and led to what was considered in England an evasion of the law. When once tobacco or sugar had been shipped from one colony to another, the shipper, who was generally a New Englander dealing in Maryland or North Carolina tobacco, believed that the letter of the law had been met and his security released from the penalty of the Act, and, disregarding the manifest intent of the law that such commodity should be set ashore for the use of the colonists, proceeded to reship all or a part of the cargo to some European port, Amsterdam or Hamburg.[4]

This practice was clearly illegal, and, as the evidence in the case seemed ample, Parliament in 1672 took the matter in hand and passed the supplementary or explanatory Act of 1672–3. By this Act provision was made that all vessels arriving at the Plantations and

[1] *B.T. Journal*, 1708–15, pp. 433, 437; 1715–8, pp. 199, 200 seqq.
[2] *Colonial Records of Connecticut*, 1717–25, p. 364; *Rhode Island Colonial Records*, IV, 327; *B.T. Journal*, 1718–22, p. 353.
[3] *New York Colonial Documents*, IV, 291–2; *A.P.C., Colonial*, III, 21; *B.T. Journal*, 1718–22, pp. 347–8, 353, 355.
[4] *Maryland Archives*, V, 289 and elsewhere.

intending to take on a lading of enumerated commodities, the captains of which could not show to the governor (or later to the naval officer or the royal collector) a certificate that they had taken out bond in England to carry their cargo directly back to the mother country, should pay a duty at the colonial port of clearance. This payment, which came to be known as the "plantation duty", was a penny a pound in the case of tobacco and other amounts for other enumerated commodities. Even if the captain paid the duty, he was still obliged to deposit a bond with the governor, naval officer, or collector, binding himself, in case he did not unload the goods at another colony, to take them directly to England.

This Act of 1673 played a very important part in the commercial relations between England and her colonies and in the relations of the colonies with each other. Nearly all the chief ports of the mainland did an extensive re-exporting trade, sending either to England or to some other British continental or West Indian port enumerated products that were of the growth of other colonies. Under the law, this coastwise and West Indian trade, which employed almost entirely vessels that were colonial built and colonial owned, increased very rapidly. Tobacco was carried to the West Indies, and sugar and molasses in return were brought to Boston, Newport, New York, Philadelphia, Norfolk, Brunswick, and Charleston, either for local use or for reshipment. Hence the imposition of the duty affected many mercantile transactions and raised many questions as to its operation. The law created in colonial ports many royal customs officials, who were appointed by the Commissioners of the Customs in England under authority from the Treasury, and whose business it was to collect the duties, which were those of the English book of rates of 1660 and which had to be paid in silver or its equivalent at sterling values.[1]

The object of the Act was not revenue but the regulation of trade, that is, its aim was to prevent evasions of the Act of 1660, by rendering unprofitable a direct trade in enumerated commodities with the European continent. Even if the captain took out bond in the colony and paid the duty, he would still have to carry the goods to England unless he unloaded them in the colony to which he was bound. There is reason to think that even after the Act was passed, the Boston merchants, inclined at this time to follow, if they could, their own bent in trade, believed that if they paid the duty they could still carry their goods to Europe.[2] So uncertain was the phraseology of the law that in 1676 the Lords of Trade asked the Attorney-general, Sir William Jones, for an opinion. The latter replied that if bonds were taken out in England to bring the enumerated commodities thither, then no

[1] 12 Charles II, c. 4; Baldwin, *British Customs* (1770), p. 63; Beer, *Old Colonial System*, I, 83.

[2] *Maryland Archives*, V, 448; *Cal. St. Pap. Col.* 1677–80, pp. 488–9.

Plantation duty was to be paid, but if the vessel had furnished no such bond or had come from another place than England, then the captain must give bond in the colony and pay the duty.[1] The obscurity was not entirely cleared up until 1696, when in the Navigation Act of that year the Attorney-general's opinion was given statutory form. That the captain, in case he took his cargo to England, would have to pay the duty a second time is clearly stated;[2] but that he would have to do so each time he went on from colony to colony, as in the case of a New England captain peddling Maryland tobacco in the West Indies, is not so evident. It is more than likely that no such instance ever occurred. Oddly enough, an Act of 1699,[3] which forbade the importation of bulk tobacco from the colonies into England, said nothing about such importation into another colony, in consequence of which, wrote Edward Randolph, "great quantities are yearly carried from the tobacco plantations in bulk and from thence to Scotland to the discouragement and damage of fair traders and to the great diminution of her Majesty's revenue".[4] Randolph never missed an opportunity of showing his animosity towards a Scot.

The relations of Scotland and Ireland to the Navigation Acts require a brief consideration. By the Acts of 1660 and 1662 Scotland was construed as a foreign country, Scotsmen were barred from the Plantation trade, Scottish shipping could not carry goods to America, and Scottish seamen were not classed as "English" under the meaning of the Acts. A slight concession was allowed in the Act of 1663, which permitted the transportation of servants, horses, and provisions, and a few licences were issued, but even these were not continued. When their efforts to obtain a modification of the Act were unsuccessful, Scotsmen entered upon an illicit trade that attained very considerable proportions. They carried their own coarse cloth, linen, stockings, and hats and Irish beef to the British Plantations and brought back tobacco, sugar, furs and skins,[5] a trade that was countenanced by the Scottish authorities. The presence of many a Scot in the colonies, particularly in the middle continental section about New York and the Jerseys, aroused a good deal of suspicion that Scot was in league with Scot for the nullification of the Acts, and this suspicion, coupled with evidences of illegal commerce, became a conspicuous feature of the history of the period until 1707.

The Irish situation is somewhat more complicated, for at first it was intended that Ireland should be deemed a Plantation and included within the privileged area to which the Acts applied, as regards both ships and seamen and the carrying trade. But in 1663 the latter privilege was revoked, and Ireland, construed as a commercial

[1] *Cal. St. Pap. Col.* 1675–6, nos. 798, 814.
[2] *Maryland Archives*, v, 448, § 4; *Cal. St. Pap. Col.* 1677–80, p. 530.
[3] 10–11 William III, c. 21, § xxix.
[4] C.O. 388/8, E. 9, p. 3.
[5] Keith, *Commercial Relations of England and Scotland*, 1603–1707, p. 118; *House of Lords MSS.* N.S. II, 462, 464.

rival, was forbidden after that date to send to the Plantations any exports, except those named, or to receive directly any of the enumerated commodities. Henceforth Ireland's communication with the colonies had to be by way of England. But the situation was rendered legally ambiguous by the continued issuing of bonds in the form provided for by the Act of 1660. The ambiguity was removed by an Act of 1671, which ordered the omission of the word "Ireland" from the bonds, but as the Act expired in 1680 and was not immediately renewed—probably more because of the distractions of the times than by deliberate intent—the former conditions recurred and it was again possible legally to ship enumerated commodities directly to Ireland. Though the commissioners of revenue in Ireland said that during the years from 1671 to 1680 Plantation goods were imported directly into Ireland as freely as when the trade was open, the trials of ships seized for illegal trade with Ireland during those years number nearly twenty-five, showing that while the Act was in force the importing of tobacco from Maryland or Virginia to Ireland was attended with no little risk of seizure.[1] After the expiration of the Act in 1680 an attempt was made to control the situation by the issue of an Order in Council, 16 February 1681, confining shipment to England only, but it is doubtful if the order was ever obeyed.[2]

In the meantime, the Act of 1673 had been passed, imposing the Plantation duty. Consequently after 1680 the question arose as to whether tobacco and sugar, which after the expiration of the Act of 1671 could be legally carried to Ireland, should pay the duty as if taken to another Plantation or should be exempt from it as if trading directly with England. This was the difficulty that underlay the Badcock and Rousby cases in Maryland and the dispute between Lord Baltimore and the Commissioners of the Customs in 1681,[3] the latter insisting that tobacco ships loading in Maryland for Ireland should pay the Plantation duty, required by the Act of 1673, upon goods shipped to another colony. Baltimore was right as to the facts of the case, for the shippers had been evading the payment, but he was wrong as to the law and so was penalised for his ignorance.[4] The murder of the collector, Rousby, caused considerable excitement in England and led to the omission of the word "Ireland" from the instructions to the collectors in 1685 and to the decision in the same year to revive the Act of 1671.[5] This decision evoked a heated protest from the Irish commissioners of revenue, who declared that the Act ought not to be renewed as it brought in no revenue, while the commissioners in England, knowing that the Acts of 1671 and 1673 were designed not to produce a revenue but to preserve England's monopoly of the Plantation trade, declared that to recognise the Irish

[1] Beer, *Old Colonial System*, I, 96.
[2] *A.P.C., Colonial*, II, no. 26.
[3] *Maryland Archives*, V, 289, 293, 294, 306, 345.
[4] *Cal. St. Pap. Col.* 1681–5, no. 403; 1685–8, no. 567.
[5] *Maryland Archives*, V, 448.

claim would "rob this kingdom in great measure of this flourishing trade".[1] The Treasury refused to redress Ireland's grievances and with the renewal of the Act in 1685, confirmed by further legislation in 1696, Ireland's relations with the Plantations were defined for a century. This incident had been of no little importance in shaping England's commercial policy during this formative period.

Serious objections to the Acts on the part of the colonists were mainly confined to the years immediately following their passage, when so far-reaching an interference with the freedom of trade that all had enjoyed during the Civil War and the Interregnum was found to lead to strenuous protests. Barbados almost at once petitioned to be released from the operation of the Acts, on the ground that free trade was the life of all colonies and that such restrictive measures would ruin them.[2] It declared that "whosoever he be that advised his Majesty to restrain and tie up his colonies in point of trade is more a merchant than a good subject", one who "would have his Majesty's islands but nursed up to work for him and such men".[3] The Home Government replied that all such petitions were contrary to "the nation's best interests at home"; and despite further expostulation, which continued for a decade, refused to make any concessions, on the ground that the whole frame of trade and navigation would be destroyed if the requests of the colony should be granted.[4] Virginia and Bermuda were in a situation similar to that of Barbados, in that they too had enjoyed freedom of trade, chiefly with the Dutch, during the Interregnum. Their tobacco, it is true, had been enumerated as early as 1621, and from that time forward they had been enjoined to send what they produced for export only to England. In 1641 a mandatory clause to that effect was inserted in Berkeley's instructions.[5] But there is reason to believe that this requirement was not strictly enforced, if enforced at all, from 1642 to 1660.[6] Consequently, after 1660 complaints inevitably arose, e.g. one from John Bland,[7] a local planter, who had doubtless enjoyed much trading with the Dutch merchant vessels, and another from Governor Berkeley, who, himself interested in tobacco planting, was not willing, as he said, to enrich some forty English merchants to the impoverishment of a whole people. The Acts, he further complained, gave a restricted market, kept the price of tobacco low, prevented the population from growing, and brought poverty and distress to the colony.[8]

[1] *Cal. St. Pap. Col.* 1685–8, nos. 613, 638, 670, 932; *Historical MSS Comm., Ormonde MSS*, N.S. VII, 128, 242, 244; *House of Lords MSS*, N.S. II, 485; Beer, *Old Colonial System*, I, 96–109.

[2] *Cal. St. Pap. Col.* 1661–8, nos. 129, 578, p. 205; no. 1679. [3] *Ibid.* pp. 382–3.

[4] *Ibid.* no. 561; 1675–6, nos. 526, 707, 714 II; for the Leeward Islands, 1661–8, no. 792.

[5] *Virginia Historical Magazine*, II, 280, § 30; VII, 267; XVI, 124.

[6] *New York Colonial Documents*, III, 43–4.

[7] *Virginia Historical Magazine*, I, 141–51; Beer, I, 108–12.

[8] "A Perfect View of Virginia", Force's *Tracts*, II.

But there is nothing to show that either Bland or Berkeley had any sufficient justification for their complaints, beyond the self-interest of each as a planter. In later years complaints grew fewer in number, and in 1721 William Byrd of Virginia could find "no inconvenience" in an extension of the enumeration.[1] Like Barbados, Virginia and Maryland probably soon learned that there was no use in further expostulation, and that their best policy was to improve their output and adjust themselves to the situation.[2]

Jamaica occupied a different position from Barbados and Virginia, because it began as a conquered colony in 1655 and so was late in reaching a settled industrial condition. The planters there do not appear to have found the Acts a grievance, partly, no doubt, because they were less dependent on one commodity as a staple, partly because peace with Spain had opened up a lucrative trade with the Spanish-American continent, and partly because their commercial development followed, rather than preceded, the passage of the Navigation Acts. Governor Vaughan, in a report of 1676, said that the colony traded only with England and that the Acts of Trade were regularly observed.

New England, by which term is meant at this time the colony of Massachusetts Bay, had existed as an independent Puritan commonwealth since 1652, and its people looked upon themselves as outside the operation of the Acts, because they had not been represented in the Parliament that passed them. The Puritans had developed an open and free-trade system of their own, which at many points was in conflict with the regulations of the mother country.[3] They did not want to have anything to do with the English system and tried in every way to avoid it. They wished to trade freely with the Dutch and to take their surplus products where they pleased.[4] They ignored the Acts as much as they could, trading directly to Europe and encouraging foreigners to trade with them, hoping to win by their persistence.[5] Though England relaxed the operation of the Acts many times in New England's favour,[6] she had no intention of exempting the New Englanders permanently, as appears from the instructions given to the royal commissioners sent over in 1664, requiring them to see that the Acts were "punctually observed" and that all necessary information about ships, masters, and cargoes be duly sent to the "farmers or officers of the customs" in London.[7] The resistance of the Puritan commonwealth was long and determined, but in the end

[1] *B.T. Journal*, 1718–22, p. 328.
[2] Sioussat, "Economics and Politics in Maryland, 1720–1750", *Johns Hopkins University Studies*, XXI, pp. 10 seqq.
[3] Barnes, V., *Dominion of New England*, chap. vii.
[4] *New York Colonial Documents*, III, 46; *Plymouth Records*, XII, 198, 302.
[5] *Cal. St. Pap. Col.* 1661–8, nos. 28, 539, 711; 1675–6, nos. 787, 840, 843, pp. 407, 466–9; *A.P.C., Colonial*, I, no. 1068.
[6] *A.P.C., Colonial*, I, nos. 504, 606, 730, 1047, and elsewhere.
[7] *New York Colonial Documents*, III, 51–4, § 11.

the English system won the day, though it required the overthrow of the Massachusetts Bay charter to complete the victory.

It is not surprising that this attempt to put in force a new system of commercial and colonial control, which required so many changes in existing habits and practices in the Plantations, Ireland and elsewhere, should have been at first largely a failure. Until 1675 the Acts were very loosely enforced and it was frequently necessary to ease the situation by granting licences and authorising occasional suspensions of the Act of 1660.[1] But in 1665 and again in 1667 the King revoked a previous order granting dispensations, and in 1675 the Privy Council refused further suspensions, asserting that His Majesty was "very tender" in all cases that encroached upon the Act.[2] Breaches were numerous during these years. Secret trade with the Dutch prevailed widely; direct commerce with the European continent continued, particularly with Holland and Hamburg—the chief distributing centres for the continental trade in colonial products; and "unfree" ships or foreign-built ships illegally made "free" were employed in the service of the colonies.[3] The colonial governors were clearly not living up to the obligations imposed by their oaths and their bonds, and Governor Wheler of the Leeward Islands wrote in 1672 that he believed he was the only one who was doing his duty.[4] Both the commissioners and the farmers of the customs reported in 1675 that no information had been received as to what the governors were doing to enforce the Acts and they further stated that, with certain exceptions, no copies of bonds had been received in England and no lists of ships lading at colonial ports.[5] It was fast becoming evident that the laws were not obeyed, and that if the system were not to break down at the beginning, vigorous measures must be taken and the machinery of enforcement greatly improved. Therefore the Lords of Trade, newly commissioned in February 1675, and vested with additional functions and powers, decided on a more active policy.

On 24 November 1675 a proclamation, evidently originating with the Lords of Trade, was issued in the name of the King requiring and commanding "all and every his subjects" that they do not for the future presume to disobey the Acts, and enjoining the governors to command all those under their authority to aid the collectors and other officers of the customs in the execution of their respective duties.[6] Then a month later (20 December) the same committee instituted an enquiry into the conduct of the governors and later

[1] *A.P.C., Colonial*, I, no. 649; *Cal. St. Pap. Col.* 1661–8, nos. 178, 848, 1340; 1669–74, nos. 43, 50, 51.

[2] Proclamation of 23 August 1667, Brigham, *Proclamations*, pp. 114–16; for the Order in Council of 22 March 1665, *ibid.* p. 114, note 2; for the Order in Council of 24 November 1675, *A.P.C., Colonial*, I, no. 1047.

[3] *Cal. St. Pap. Col.* 1685–8, no. 1221.

[4] *Ibid.* 1669–74, p. 328.

[5] *Ibid.* 1675–6, nos. 694, 695; cf. no. 728.

[6] Brigham, *Proclamations*, pp. 126–8.

drew up a circular letter regarding the administering of the oaths (a more stringent form being drafted in the following May),[1] the taking out of bonds, and the strict execution of the Acts. Already orders had been sent to the Admiralty that the Navy should seize all foreign ships in the Plantations and that additional frigates should be despatched to such waters as the Caribbean and the Chesapeake.[2] In 1681 an Order in Council was issued enforcing the rules about bonds and certificates and requiring that these rules be posted in all the customs houses in the kingdom.[3] Two years later the Commissioners of the Customs recommended that instructions be sent to the farmers in Ireland ordering them to transmit to England all information possible regarding ships trading between Ireland and the Plantations,[4] and letters were despatched to the King's ministers and consuls in Europe to watch in European ports for enumerated commodities illegally shipped from the colonies. During the next few years additional instructions were prepared by the Commissioners of the Customs, in 1684, 1685 and 1686, which constitute a veritable code for the guidance of the royal officials in America and the West Indies.[5]

But even these and other efforts, expended during the years from 1675 to 1689, did not bring satisfactory results. Complaints came in from the Commissioners of the Customs to the Treasury of continued evasions of the Acts and of the connivance or negligence of the governors, particularly in connection with the French and the Dutch in the West Indies.[6] Edward Randolph's reports from New England had been largely influential in effecting the annulment of the Massachusetts Bay charter in 1684, and the Dominion of New England that followed under Andros came to a disastrous end in 1689. The troubles in Maryland, the ill-treatment there of the collector Badcock, the murders of Rousby and Payne, the complaints of Blakiston, their successor as collector, the hostility of the planters to the royal frigate that cruised up and down the Chesapeake, and the further comments of Randolph on the derelictions of the colonists in general, were all causes of embarrassment to the authorities at home. The carrying of enumerated commodities to Ireland and particularly to Scotland was becoming far too common an occurrence; the forging of certificates and cockets and the controversies that were arising as to the interpretation of the Acts were making it difficult to enforce them; while the efforts of the Scots to establish a colonial commerce of their own, as seen in the Scottish Act of 1693 encouraging foreign trade and that of 1695 creating the "Company of Scotland Trading to Africa and the Indies," commonly known as the Darien Company, combined with

[1] *A.P.C., Colonial*, nos. 1080, 1171.
[2] *Cal. St. Pap. Col.* 1661–8, no. 1884.
[3] *A.P.C., Colonial*, II, no. 26.
[4] *Cal. St. Pap. Col.* 1681–5, no. 1200.
[5] The circular letter for 1684 has not been found, but it is mentioned in *Cal. St. Pap. Col.* 1693–6, no. 553.
[6] *Cal. St. Pap. Col.* 1685–8, no. 1288; 1689–92, no. 2295; 1693–6, *passim.*

the Scottish liking for illicit trade, aroused consternation and wrath among English statesmen and merchants.[1]

The years from 1689 to 1696 mark the beginning of a new era in the history of England's commercial and colonial systems. The whole matter of English trade and commerce assumed a new importance after the accession of William III and the naval battle of La Hogue, which firmly re-established England's supremacy at sea. Serious enquiry began to be made by Parliament into the state of the nation and the condition of trade in general, with the special purpose of checking the growth of illicit trade and of determining how far the Scottish Act was likely to be prejudicial to the commerce of the kingdom.[2] Edward Randolph had already suggested many methods of preventing the illegal trade that he was sure existed between the tobacco plantations and Scotland, and of regulating other abuses; and on the recommendation of the Commissioners of the Customs, which was based on memorials sent in by Randolph, the decision was reached to bring in a bill for a new Act of navigation and trade, the object of which was to checkmate the Scottish movement and to remedy "a great many things which the former Acts [were] short in".[3] The preparation of this bill was entrusted to the Commissioners of the Customs, who on 16 January 1696 reported that the draft was finished and in the hands of the Attorney-general for presentation to Parliament. After amendment in committee, the bill passed both Houses and on 10 April received the royal assent.[4]

This Navigation Act of 1696[5] was a comprehensive measure of administration, containing nothing that was new in principle, but much, derived from the experience of the preceding twenty-five years, that was new as to the methods of enforcement. It was supplemental only to the Acts of 1660 and 1673, and to that part only of the first Act which had to do with shipping. It did not deal directly with either the enumeration or the staple, though in its application it touched the enumeration very closely. Its main purpose was to prevent "the great abuses that were daily being committed, to the prejudice of English navigation and the loss of a great part of the plantation trade of this kingdom, by the artifice and cunning of ill-disposed persons [i.e. the Scots?]". Therefore it enacted as follows:

That after 28 March 1698 no goods or merchandise whatsoever should be imported into or exported out of any colony or Plantation of His Majesty in Asia, Africa or America, or be laden or carried from any one port or place in the said colonies or Plantations to any other port or place in the same [or to the kingdom of England, Dominion

[1] Insh, G. P., "Darien Shipping Papers", *Publications of Scottish Historical Society*, N.S. III, vol. VI, Introduction; Bingham, H., "Early History of the Scots Darien Company", *Scottish Historical Review*, III, nos. 10, 11, 12.

[2] *House of Lords MSS*, N.S. II, § 955. [3] *Ibid.* p. 7.

[4] *Ibid.* pp. 17, 21, 22–3, 233–4; *Cal. St. Pap. Col.* 1693–6, nos. 2187, 2243.

[5] 7–8 William III, c. 22.

of Wales, or town of Berwick-on-Tweed] in any but English-built ships, or the build of Ireland, or of the said colonies or Plantations (including the build of Guernsey and Jersey (§ xvii)), and wholly owned by the people thereof, except such ships as should be taken as prizes and condemnation thereof made in one of the courts of Admiralty in England, Ireland or the Plantations, and navigated with masters and three-quarters of the men English or colonials. Prize ships were to be manned in the same way.

All governors were to take oath to carry out the terms of the Acts, which oath was to be administered by such persons as His Majesty might commission.[1] In default of such oath, the governors were liable to be deprived of their posts and to forfeit £1000 each. As time went on, these penalising clauses lengthened and became increasingly severe. Early instructions, such as those to Dongan of New York, imposed no penalty, while those of sixty and seventy-five years later—such as the instructions to Cornwallis of Nova Scotia and Bernard of New Jersey, for example—declare that in case of dereliction the governor would lose his position and forfeit £1000 and in addition "suffer such other fines, forfeitures, pains, and penalties [as are provided for in the laws] and also receive the most rigorous marks of our highest displeasure and be prosecuted with the utmost severity of law for your offence against us". The guilty governor would also forfeit all right to further employment under the Crown.[2] In 1701 some doubt arose as to whether a lieutenant-governor—in this case, of St Christopher—could be removed and fined, the Attorney-general ruling that he could be removed but not fined.[3]

The powers and functions of all royal officials for collecting and managing the King's revenue in the colonies and for inspecting the Plantation trade were defined as those laid down for the corresponding officials in England (§ vi). Inasmuch as the clauses of the Act of 1673 relating to the Plantation duty had never been clearly understood, the Act declared that even if the duty were paid at the colonial port of clearance, bond must still be furnished by the captain to carry enumerated commodities to England, in case such commodities were not landed for actual consumption at the first colonial port of entry (§ viii). The colonies were to pass no laws contrary to the spirit or letter of the Act or of any other Act that related to the Plantations. Provision was made against false or forged certificates—such as had frequently been used by Scotsmen and others trading to the Plantations—by a penalty of £500 fine. These certificates were of three varieties: of bonds given in England; of bonds given in the

[1] For the commissions see *House of Lords MSS*, N.S. II, 422–5. Those for New Hampshire are not given, but see *New Hampshire Province Papers*, II, 312.

[2] *New York Colonial Documents*, III, 383–5 (Dongan); *ibid.* V, 151 (Hunter); *New Hampshire Province Laws*, II, 650 (B. Wentworth); C.O. 218/3, pp. 391–439 (Cornwallis); *New Jersey Archives*, 1st ser. IX, 107 (Bernard).

[3] *Cal. St. Pap. Col.* 1701, nos. 390, 507.

colonies; and of bonds given in England for the proper freighting of manufactured goods sent to America.[1] In case of suspicion the governor or naval officer was to refuse to vacate or cancel the security until he had received word from the Commissioners of the Customs in England that the certificate was authentic.

All suits arising out of this Act or other Acts touching the King's duties were to be tried before juries composed only of natives of England or Ireland or of such as had been born in the Plantations, and all places of trust in courts of law were to be held by the same (§ xi). This clause raised two difficult questions: first, were Scotsmen included; and, secondly, were trials to take place before juries only. There were many Scotsmen holding office in America and there existed serious doubt as to whether they were doing so legally; Blair in Virginia, Mein and Skene in Barbados, Hamilton in New Jersey, and Livingstone in New York all came under suspicion. Though a legal opinion was rendered after 1700 favourable to Scotsmen[2] as natural-born subjects of the King, the matter was not finally settled until the passage of the Act of Union in 1707.[3] The second question was much more difficult to answer. There is no doubt but that before 1696 a majority of the trials for breaches of the Navigation Acts in the colonies had been held before juries, and it is possible that those who drafted the bill took it for granted that such would continue to be the case. Yet as both Governor Nicholson and Edward Randolph had already recommended the erection of vice-admiralty courts in the colonies, in which trial would be without jury under the civil law, it is difficult to believe that the Commissioners of the Customs could have been unaware of the proposed plans. The ambiguity of the clause led to great differences of opinion, when finally vice-admiralty courts came to be established. Penn called the clause "dark and contradictory"—"confused and dark", "darkly and inconsistently worded", said others—and even Robert Quary, judge of vice-admiralty in Philadelphia, asked that Parliament should explain what the clause meant.[4] But those whose business it was to enforce the Acts of Trade usually had no doubt in their minds as to the proper interpretation—the clause might mention juries only, but it could not take away the right of the vice-admiralty courts to try cases of this kind. The controversy lasted for more than ten years, but in the end the vice-admiralty courts won the day.

Bonds required by the Act of 1673 were now revised and the word "Ireland" was finally left out. From this time forward Ireland was placed beyond the pale of commercial privilege and her industry and

[1] Many copies of such bonds may be found in connection with the Shipping Returns among the Colonial Office and Treasury Papers in the Public Record Office.

[2] *Cal. St. Pap. Col.* 1700, no. 428; 1702, p. 145.

[3] 5 Anne, c. 8, §§ iv, v, vi.

[4] *Cal. St. Pap. Col.* 1702, no. 708; *House of Lords MSS*, N.S. iv, 326. The clause seems to look back to 13–14 Charles II, c. 11, § xi.

trade were made subservient to the interests of the realm. To prevent any attempt to circumvent this restriction, which at this time included Scotland as well as Ireland, on the ground of disablement or stress of weather, a further clause was added forbidding any ship to put into an "unlawful" port, unless first the vessel had stopped at an English port and paid the duties. A slight exception was made in the case of Ireland, but not of Scotland, whereby vessels stranded or leaking and unable to proceed on their voyage might enter an "unlawful" harbour.

All appointments of governors by proprietors or elections of governors by corporate companies were to be approved by the Crown and the governors themselves were to take the required oaths (§ xvi). In point of fact, however, the governors of Connecticut and Rhode Island never received the Crown's approval, though they took the oaths to enforce the Acts. Furthermore, no proprietor or corporate company was to sell any of its territory to other than a natural-born subject of England. Randolph said afterwards that this clause was inserted to prevent the Scots from purchasing land for a settlement or a trading centre in West Jersey or the Lower Counties (Delaware), or one of the islands off the coast, for the purpose of establishing a staple there and so letting "themselves into the trade of his Majesty's Plantations".[1] The Act extended to the customs officials in the Plantations the full right of search provided for English ports by 14 Charles II, c. 11, and thus placed the establishment in America in all respects on a par with that in England, of which it was in fact a constituent part. The Act, finally, required that all ships, either in England or the Plantations, including prize ships made "free", be registered, first in a local registry and thence transmitted to the general registry in London, in order to prevent evasion. This requirement applied only to decked ocean-going and coastwise vessels (§ xvii) and not to undecked boats doing business in the Plantations, and the certificate of registration, once obtained, formed a very important part of the ship's papers. Undecked boats—sloops, shallops, lighters, moses-boats, flatboats, pettiauguas, canoes, etc., were licensed by the naval officers in the colonies[2] and plied chiefly in the inland waters.

With the passage of the Act of 1696, the statutory regulations governing the trade and navigation of the kingdom so far as the Plantations were concerned were complete. In the years to come, decisions, rulings, explanations, and supplemental measures were to render the Acts as a whole more intelligible and more workable, for many difficulties were encountered in application and frequent interpretations were necessary as occasions arose.[3] Five days after the

[1] *House of Lords MSS*, N.S. II, 488–9.
[2] *Maryland Archives*, XX, 465; *Cal. St. Pap. Col.* 1702–3, p. 533 (Jamaica).
[3] E.g. *Cal. St. Pap. Col.* 1700, no. 815; 1701, p. 85. Cf. C.O. 388/8, E. 9.

measure received the royal assent, a circular letter was despatched by the Lords of Trade to the governors of all the colonies with orders that this Act and "all other laws made for the encouragement of navigation and the securing the plantation trade to the kingdom" be published and "strictly put in execution".[1] In Maryland, and perhaps elsewhere, the Act was submitted to the attorney-general of the province, who reported on it at length, and measures were taken at once for putting it in force. The lawyers were asked about any colonial legislation that had been passed contrary to the Act; public enquiry was set on foot as to whether there were any "Scotchmen" in places of trust; the clause about the registration of ships was ordered to be posted in every county court-house; the naval officers were instructed to give security; and all officials were warned to look out for forged or counterfeit certificates. Maryland sent to the Commissioners of the Customs for two dozen copies of the Act and as many of the book of rates for the use of the several counties of the province.[2]

The letter of the Lords of Trade was followed the next year (8 March 1697) by a new and elaborate set of instructions, and at about the same time (12 April 1697) the Commissioners of the Customs themselves wrote transmitting copies of the Act and requesting obedience and co-operation.[3] From this time forward all newly appointed governors, sent from England, were given printed copies of all the Acts relating to trade before they went to the colonies, together with books of rates and blank specimens of all certificates. Regularly thereafter they received "trade instructions", drafted by the Commissioners of the Customs, as a part of their usual orders from the Crown. These instructions, relatively brief at first, became very formidable after 1715 and particularly after 1760. A thorough knowledge of the Acts was an essential part of the governor's business, for the instructions themselves were very perfunctory and of little value in enabling him to secure their enforcement.

The machinery in the colonies for the carrying out of the Acts was at first very incomplete and imperfect, and the efforts which continued to be made for many years to render it more efficient were never very successful. The long and deeply indented coastline of the continent and the proximity of foreign possessions in the Gulf of St Lawrence and the West Indies made illicit trade difficult to control; the small salaries and fees, the scarcity of hard money, and the hostility of the colonists made connivance and fraud a not uncommon occurrence; while the inability of the Admiralty to furnish a sufficient number of frigates and scouting boats for the arrest of offenders in American waters rendered the risk of detection slight. In the matter of the enumerated commodities, the system worked fairly well; but in that of manufactured goods from England and the

[1] C.O. 324/5, pp. 382–3.
[2] *Maryland Archives*, XX, 567–70.
[3] *House of Lords MSS*, N.S. II, 483–8, 494–9; *Maryland Archives*, XXIII, 349.

European continent it was perhaps less successful. As regards the later regulative and supplemental Act of 1733, commonly known as the Molasses Act, the system was not successful at all. It was rigid in theory and plan, but very elastic and adjustable in practice, and on the whole did not seriously interfere with either the growth or the prosperity of the colonies.

The centre and mainstay of the whole system was the governor, who was the representative of the Crown in the royal colonies and the chief link in the chain of connection between mother country and colonies. Next in importance was the naval officer, who took the place of the governor as the eyes and ears of the Crown in all that concerned the shipping clauses of the Acts. The Act of 1663 provided (§ viii) that no ship or vessel should lade or unlade any goods or commodities whatsoever until the master or captain had first made known to the governor of the Plantation, or to such person or officer as should be by him thereunto authorised and appointed, the arrival of the ship, with her name and the name and surname of her master or captain, and have shown to him, by displaying a certificate of registration, that she was English-built and "that no foreigner, directly or indirectly, had any share or part or interest therein". The captain was also to deliver to the governor or his "appointee" a true and perfect inventory or invoice of the cargo. This "appointee" was made more specific in the Act of 1696, where he is called the "naval officer".

The earliest naval officers in the royal colonies were the governors themselves, and where, as in Barbados and Jamaica, the term "naval office" appears, it undoubtedly meant a clerical office under the governor's immediate control. The first recorded appointment of a "clerk of the naval office" or naval officer seems to have been in 1676, and in Barbados and Jamaica regular appointments were made henceforth by the governor.[1] In Virginia, where there were many rivers and no single port of entry, six naval officers existed, generally members of the council, collectors, and sometimes justices of the peace, a form of pluralism common in the colonies,[2] and forbidden in Maryland and Virginia, though nowhere else, by the governor's instructions, because, as the Board of Trade wrote, it was not proper that incumbents of these offices should sit on the council, which had the duty of receiving the reports and examining the accounts of the collectors and naval officers. Maryland had five naval officers, but less pluralism, though distances were almost as great there as in Virginia and available men equally scarce. Massachusetts in 1682 appointed two, at Boston and Salem, named by the Assembly and

[1] *Cal. St. Pap. Col.* 1675–6, no. 960, p. 422; 1677–80, no. 482; 1681–5, nos. 732, 1200.

[2] *Maryland Archives*, v, 291; *Cal. St. Pap. Col.* 1696–7, p. 609; 1699, p. 312; 1700, pp. 310–11; 1702, p. 84; 1704–5, pp. 497, 627, 737, 742; 1711–12, § 345.

commissioned by the governor,[1] but after 1691, under the new charter, the appointment fell into the hands of the royal governor. In Connecticut the office was controlled by the Assembly at first and afterwards by the governor;[2] in Rhode Island by the governor only.[3]

The question of the appointment of a naval officer presented some difficulties and led to some important variations in practice. The controversy that arose over the King's selecting in 1676 one Abraham Langford as clerk of the naval office in Barbados first raised the issue as to whether, in the face of the wording of the Act of 1663, the King could select his own nominee over the head of the governor, a matter of some concern on account of the significance of the office. Governor Atkins of Barbados claimed that under his commission the seal of the province was good against the King, but he was unable to establish his claim.[4] During the last quarter of the seventeenth century so many rumours arose of collusion between the governors and the naval officers, of duties unperformed or badly performed, and of extravagant fees and charges, that about 1700 the practice arose of appointing the naval officer in England.[5] This marked an ominous extension of the royal control in America and was a direct encroachment on the statutory powers of the governor. Thus there arose three ways of appointing the naval officer: under the great seal of England as a patent office; under the royal sign manual, whereby the office was still retained in the king's hand; and under the seal of the province, with security given to the Commissioners of the Customs in England.[6] The most noteworthy contest that arose was in Massachusetts Bay, where the governor had assigned Byfield Lyde as his deputy, only to have the King in 1733 override the choice by naming Benjamin Pemberton in Lyde's place.[7] By 1752 the governors of the royal colonies everywhere, except in Nova Scotia, had lost control of the office.[8] Inevitably, however, they continued to exercise considerable influence over the management of the office, greater indeed than the orthodox mercantilists deemed wise in view of the need, as they saw it, of greater centralisation of authority.[9]

After 1696, definite instructions were issued for the guidance of the naval officers in the performance of their duties.[10] They were to give bond to the governor,[11] with sufficient security, that they would

[1] *Massachusetts Colonial Records*, v, 337–8.
[2] *Colonial Records of Connecticut*, 1689–1706, pp. 374–5; *Talcott Papers* (*Collections*, Connecticut Historical Society, iv), i, 164, 229.
[3] *Rhode Island Colonial Records*, iii, 110, 119; iv, 58, 133–5.
[4] *Cal. St. Pap. Col.* 1675–6, no. 947; 1677–80, no. 482, iii, p. 535.
[5] *Ibid.* 1702, pp. 82–3, 84, 701; 1708–9, no. 39. [6] *North Carolina Records*, i, 497.
[7] St. Pap. Dom., George II, cclvi, no. 198.
[8] P.R.O. Chatham MSS, 95, "Lists of Offices"; Brit. Mus., Add. MSS, 22, 129.
[9] Abercromby, "Examination", clauses 3 and 4.
[10] *House of Lords MSS*, N.S. ii, 475, § 11, 486, § 5; *Maryland Archives*, xxiii, 254–6. For earlier instructions see *Cal. St. Pap. Col.* 1681–5, nos. 295, 617.
[11] *Cal. St. Pap. Col.* 1702, nos. 428, 537, 925. For a copy, *Collections*, Connecticut Historical Society, xvi, 214.

faithfully and truly execute the Acts; to keep lists of all entrances and clearances, with detailed information regarding the kind of ship, its build, when and where registered, master's name, owner's name, tonnage, guns (if any), men, cargo, etc., and to deliver these lists to the governor, who would transmit them to England; to examine all certificates, cockets, and navigation bonds, to see that they were correct and authentic, to sign and seal them, and to turn them over to the collector, who would sign them and either retain them himself or lodge them with the governor; and finally to certify to the collector that ships were properly entered and cleared. In some of the colonies they seem to have co-operated in seizing vessels for illegal trading, and in the tobacco and sugar colonies, particularly in times of war, to have acted with the collector in getting "the trade in readiness against the time the convoys should arrive". Usually they were paid by fees but sometimes by percentages, both of which were as a rule insufficient to attract the best men unless other employment furnished additional income. Fees were controlled at first by the governor, later by the Assembly, and after 1760 by the Home Government, which endeavoured to effect a reform of the whole system.[1]

There were in the colonies collectors of provincial revenues, levied by the colonial Assemblies, and collectors of the king's casual revenues, such as quit-rents, licences, escheats, fines, and forfeitures, and of royal export dues, such as the two shillings a hogshead on tobacco in Virginia and the 4½ per cent. export duty in Barbados and the Leeward Islands. The collectors of the latter were appointed from England and held office under the commissioners of the 4½ per cent. there. But the only collectors in America on the English establishment were those designated in the Act of 1673 to collect the Plantation duty provided for by that Act. Appointments were made in England of collectors for this purpose as early as 27 November 1673, but it is quite certain that none of these early appointees ever went to the colonies, though it appears that in some of the colonies collections were made in 1674 and 1675 by other officials and by them transmitted to England.[2] Gradually in one colony after another the system was set in motion—in North Carolina in 1677, New England in 1678, Pennsylvania in 1682, Rhode Island in 1709, Connecticut and Nova Scotia in 1715—until finally along the mainland and in the West Indies a chain of officials came into being, located at forty-seven different ports and including nearly ninety surveyors, riding surveyors, comptrollers, collectors, searchers, preventive officers, land waiters, and tide waiters. In addition there were watermen, boatmen,

[1] *North Carolina Records*, xxv, 196–8, 225; 5 George III, c. 45, § xlvii; 10 George III, c. 37, § ii; 19 George III, c. 22, § v.

[2] *Calendar of Treasury Books*, 1672–5, pp. 424, 427, 460.

and clerks.[1] At first the chief officials were paid by percentage allowances, but after 1698 by salaries, ranging from £200 (Philadelphia) to £30 (Roanoke) for a collector, £75 for a searcher, and £30 and £25 for a waiter. In addition the collector had fees, and a share in forfeitures whenever he acted as informant. Over all were the surveyors-general, who took the place of the governors as responsible supervisors, beginning with Randolph in New England in 1678, Patrick Mein and Robert Quary later, for the whole territory in America. After 1709 there were three surveyors-general, one for the northern district, one for the southern including Jamaica and the Bahamas, and one for Barbados and the Leeward Islands. Still later, three were provided for the mainland alone. In the eighteenth century the surveyor-general was paid £495 a year, including transportation expenses.[2] This arrangement continued until 1767 when, with the creation of the American Board of Customs Commissioners sitting at Boston, only the customs officials of the island colonies remained on the English establishment, the others constituting a separate establishment under the Commissioners at Boston. In 1753 Grenville estimated the returns from the Plantation duty as averaging in seven years from £1000 to £2000 a year and the cost of collection from £7000 to £8000, leaving a deficit to be made up from the Exchequer of at least £5000 annually.[3] So much was England willing to pay for what she considered the proper regulation of colonial trade.

Instructions to the American customs officials were issued as early as 1685 and were repeated a number of times after 1696.[4] The surveyors-general were to serve as supervisors at large within certain prescribed areas. They were authorised to give such orders and directions as they should find necessary for the service and were empowered to enter any ship or dwelling to search for prohibited or uncustomed goods, to seize the same, and to put in force all laws and orders for the better collecting of the rates and duties. Though individual surveyors-general had sat on governors' councils from early times, yet after 1733 all were formally so privileged, *ex officiis*, in the region over which they had jurisdiction. They appointed the riding surveyor, whose business it was to watch over regions remote and sparsely settled where smuggling was likely to be carried on, and who was empowered, as he moved from place to place, to inspect, search, and seize, whenever necessary, all suspicious vessels. The comptroller served as a check on the collector, inspecting his accounts, joining with him in examining vessels and seeing that the Navigation Acts were enforced.

[1] P.R.O. Audit Office, Declared Accounts, Bundle 757, Rolls 801, 803; Auditors of Imprest Accounts, New York Public Library.

[2] *Cal. Treas. Books and Papers*, 1729–33, no. 167. [3] *Grenville Papers*, II, 113–4.

[4] *Maryland Archives*, XX, 167–71, 351–5, 505–7; XXIII, 4, 358–60; V, 521; *House of Lords MSS*, N.S. II, 473–5.

The collector was to receive the duties arising under the Act of 1673, but at times he was puzzled how to interpret it and at other times was none too efficient in his attempt to do so.[1] One of his most troublesome tasks was the examination of certificates and cockets in order to detect forgeries and erasures, and in cases where the ship captains furnished bonds in the colonies to be sure that the sureties were good and the terms of the bonds carried out. His was the duty to sue out the bonds in the local courts. He had to give a bond himself for £500 and to require a similar bond of the naval officer; to collect the duties in silver or its equivalent, and to make return to the Commissioners of the Customs every year, properly attested by the comptroller or the surveyor. In many of the colonies he had charge of Mediterranean passes, though in New England that business was looked after by the secretary of the colony. When he collected, as was sometimes the case, the king's revenues in the colony, he was expected to bind himself not to engage in trade, but the attempt to prevent all customs officials from engaging in trade was found to be impossible, though the practice was seemingly contrary to law.[2]

Pluralism prevailed very widely in all branches of colonial administration, north and south and in the West Indies, owing partly to the scarcity of good men and partly to inadequate salaries, but it was particularly common in the customs service. Deputation and absenteeism, patronage and the farming of offices also helped to vitiate the *personnel*. It is a suggestive commentary on previous practices that in 1761 the accountant disbursing the salaries of customs officers should have been required to furnish certificates that "the several officers were living at the respective times they were paid", and that in 1763 the Treasury should "have ordered all the officers belonging to the Customs in America and the West Indies to be fully instructed in their Duty to repair forthwith to the respective Stations and constantly to reside there for the future".[3]

No part of the collector's duties was more troublesome than the seizure of vessels for illegal trading. Breaches of the Acts were to be tried in the vice-admiralty courts in America. General admiralty jurisdiction covered (*a*) felonies, such as murder and mutiny, torts, and other offences on the high seas; (*b*) piracy, which was provided for by special commissions under an Act of 11–12 William III; and (*c*) spoil goods or prizes, also provided for by special legislation.[4] But owing to the provisions of the Navigation Acts and to the rulings of the lawyers in their interpretation of the Acts, this jurisdiction took on a form unknown to the vice-admiralty courts in the seaports of England, where cases of illegal trading, within the three-mile limit

[1] Cf. *North Carolina Records*, VI, 1023.
[2] According to an interpretation of 20 Henry VI, c. 5.
[3] P.R.O. Audit Office, Declared Accounts, Bundle 818, Roll 1064; *A.P.C., Colonial*, IV, p. 570.
[4] 6 Anne, c. 37, §§ ii, iii.

or in the waters of bays and rivers, were dealt with in the common-law courts of the counties or boroughs or in some cases were carried up to London for trial.

According to the Act of 1660 breaches were to be tried in any court of record. Though opinion prevailed that an admiralty court, rightly speaking, was a court of record, yet in view of the language used in the Act the decision was reached that only common-law courts were there meant.[1] During the years from 1660 to 1696 many trials of this kind were held in the colonies, but though occasionally such cases were tried in what were called admiralty courts (chiefly in Barbados and Jamaica, but also in Bermuda and New York[2]), more commonly they were brought before either the governor, the governor and council, the governor and assistants, the county courts, or special courts of oyer and terminer provided for the purpose. General sentiment in the colonies undoubtedly favoured jury trial for all such cases, and in Massachusetts in 1697 and in Pennsylvania in 1698 acts were passed requiring trial by jury, but these acts were disallowed by the Crown. It is not surprising that the common-law courts should have claimed sole or concurrent jurisdiction, for the extension of vice-admiralty jurisdiction to illegal trading was distinctly an innovation. The obscure wording of the Act of 1696 did not help matters, stating as it did that juries might be employed, provided they were properly selected, and yet at the same time taking it for granted that vice-admiralty courts already existed in America and might be utilised for the purpose.

Great uncertainty prevailed as to how to handle breaches of the acts. Governor Nicholson suggested that they be dealt with in exchequer courts as having to do with the king's revenue, while others, seeming to find a distinction between ordinary admiralty business and breaches of the Acts of Trade,[3] wished the latter tried in special courts, on the ground that the governor's commission, authorising him to erect admiralty courts, seemed to restrict the jurisdiction of such courts to marine matters only. The situation was very unsatisfactory to those who were shaping the colonial system in America, for colonial juries could not be depended on to convict, and though some condemnations took place, many vessels escaped and illegal trade flourished. Existing methods were too varied, decentralised and ineffective. British control in other respects was tending towards uniformity and consolidation, and if such control was not to fail at an important point, the enforcement of the Acts must cease to be local and must be managed from Whitehall and Doctors' Commons.

[1] *Cal. St. Pap. Col.* 1702, pp. 480, 554–5; Richard West, counsellor to the Board of Trade, on "Admiralty Jurisdiction", C.O. 323/8, L. 10.

[2] E.g. *Cal. St. Pap. Col.* 1661–8, p. 238; 1689–92, nos. 2636, 2705; 1702, p. 462; *Minutes of the Common Council of New York*, I, 69–70.

[3] Such a distinction is clearly implied in the instructions to Governor Windsor of Barbados, 1662, *Cal. St. Pap. Col.* 1661–8, p. 81; cf. 1702, no. 570.

Edward Randolph, who for twenty years had been working for greater efficiency in America, became the chief advocate of a more rigid system of centralised control. Obtaining leave of absence from Governor Nicholson, at that time of Maryland and himself an ardent believer in consolidation, he sailed for England in 1696 to lay before the authorities there whatever was "most proper for His Majesty's service".[1] On reaching England in December he laid before the Commissioners of the Customs a body of proposals for the more effectual putting into execution of the Acts of Trade, and appeared in person before the newly appointed Board of Trade in support of his plans. After reading various communications and holding a number of hearings, the Board, with the approval of the Treasury and the Admiralty, sent in two representations to the lords justices, recommending a regular series of vice-admiralty courts for all the colonies.[2] A hearing was held before a committee of the House of Lords, in February and March 1697,[3] at which Randolph was present, together with proprietors of the private colonies or their agents, who were determined to prevent, if possible, this attempt to restrict their independence by the erection of vice-admiralty courts exercising jurisdiction within their borders.[4] The situation was undoubtedly a critical one for the proprietary and corporate colonies, as it represented a highly organised attempt of the English authorities to extend, in an important direction, the authority of the Crown in the colonies. The Act of 1696, the establishment of the Board of Trade, the more peremptory instructions to governors and collectors, the more efficient prosecution of bonds, and other similar features were but preliminary to that noteworthy effort which the Board of Trade was soon to make to unite the private colonies to the Crown and to bring about in the interest of trade and defence the consolidation of England's colonial possessions.

The Board of Trade's recommendations were approved by the Privy Council, which on 24 February 1697 directed the Board and the Commissioners of the Customs to draw up a list of officials for the new vice-admiralty courts, and on 7 April issued the proper warrants to Sir Charles Hedges, judge of the High Court of Admiralty, authorising him to grant special commissions under the seal of the Admiralty, empowering the governors to erect vice-admiralty courts in the colonies and to appoint judges, advocates, registrars, and marshals, subject to the approval of the Admiralty at home. In due time, twelve such courts were established, from New Hampshire and Massachusetts to Barbados "and the territories thereto belonging",[5] which exercised

[1] *Maryland Archives*, xx, 236–7.
[2] *Cal. St. Pap. Col.* 1693–6, no. 2187; *North Carolina Records*, I, 461.
[3] *House of Lords MSS*, N.S. II, 419, 424–5, 446; *Cal. St. Pap. Col.* 1696–7, nos. 100, 108, 116, 120, 131, 133, 142, 149, 511.
[4] *House of Lords MSS*, N.S. II, 440, 444, 448–54.
[5] *Cal. St. Pap. Col.* 1700, p. 132; C.O. 324/7, ff. 206–7.

from the beginning an extensive authority over ordinary marine causes and cases of smuggling and the unlawful management of vessels. Thereby was laid "the foundation for an admiralty jurisdiction, enlarged and vigorous, as compared with that to which the High Court of Admiralty in the eighteenth century meekly submitted".[1]

During the early years in the history of the courts there were many difficulties to be settled and many problems to be solved. At first considerable uncertainty prevailed as to whether the governors exercised their vice-admiralty powers by virtue of their civil commission or of their admiralty commission, but in the end the decision was reached in favour of the latter.[2]

A similar uncertainty prevailed as to appeals, which at first, without distinction, were directed to the King in Council.[3] When it was made clear that the courts were held by virtue of a commission under the seal of the Admiralty, the Privy Council ruled that appeals should lie to the High Court of Admiralty. From this time forward for more than forty years this practice obtained, but at some time about 1745, with the gradual breaking down of the authority and influence of the High Court in England, appeals were once more taken over by the Privy Council, and in 1768 the statement was made that the proper jurisdiction was there.[4] Further appeal could be made to the High Court of Delegates, representing the equity power of the king.

The problem of the jurisdiction and the powers of the vice-admiralty courts in America was one involving serious differences of opinion and prolonged disputes. At the beginning, the proprietary and corporate colonies denied emphatically the right of the Admiralty to erect such courts within their boundaries, as they deemed it an infringement on their charter rights. This dispute regarding jurisdiction took place in the Bahamas and South Carolina, and with great vehemence in Pennsylvania, where with Penn, as proprietor, on one side, and Robert Quary, as judge of vice-admiralty, on the other, the controversy was drawn out for several years.[5] Two leading issues were involved; first, as to whether, under the terms of the Act of 1696, trials for breaches of the Acts, taking place either in a vice-admiralty court or in a common-law court, should be held before a jury; and, secondly, whether the customs collectors and vice-admiralty officials could make seizures within the "body of the province", that is, within the lands and waters under the jurisdiction of the proprietor. To the first question the answer came quickly. In

[1] Hough, *Cases in Vice-Admiralty and Admiralty, New York*, 1715–88, Introduction.
[2] *Cal. St. Pap. Col.* 1702, no. 197; 1702–3, no. 890; *Maryland Archives*, XXIV, 287; cf. *Cal. St. Pap. Col.* 1711–12, nos. 122, 126, 141.
[3] *Maryland Archives*, XXV, 17; *Cal. St. Pap. Col.* 1702–3, no. 890.
[4] *A.P.C., Colonial*, IV, 768.
[5] *Pennsylvania Magazine of History*, 1900, pp. 3–22; cf. *New York Colonial Documents*, VI, 154–5; Hough, p. 182.

1702, the Attorney-general, though recognising that the clause of the Act of 1696 relating to trials was very obscure, declared[1] that as Parliament had intended suits to be tried in vice-admiralty courts under the seal of the Admiralty, such suits could not be drawn away to the common-law courts, but must be tried in vice-admiralty courts only, and as procedure in such courts was that of the civil law, juries could not be employed.

The second question, as to the jurisdiction of the vice-admiralty courts, was not so easily answered. At first the courts made wide claims, not only taking to themselves control over piracy, illegal trade, and such customary admiralty business as wages, salvage, charter-parties, bottomry, and collision, but also, as Penn said in 1701, breaking in upon the jurisdiction of the common law and trying without a jury cases that were of a civil and not a maritime character. Owing to the small number of vessels of the British Navy that were available for guarding American waters, few seizures could be made on the high seas, and where vessels were taken within the waters of a colony, the common-law courts claimed authority and the higher among these courts exercised the right to intervene.[2] They discharged convicted traders and released from prison persons who had been sentenced by the vice-admiralty judges for not satisfying the judgments of those courts. They issued writs of prohibition forbidding the vice-admiralty courts to proceed and drawing the case over into the courts of common law. They set aside the sentences of the vice-admiralty courts, barred their execution, and in general stepped in whenever these courts seemed to be exceeding their powers.[3] In regard to prohibitions the conflict was least serious in New York and most serious in New England, partly because in 1722 the vice-admiralty courts were granted jurisdiction in all violations of the Naval Stores Act, which affected New England particularly. The situation finally became so vexatious to the vice-admiralty judges that in 1720 and again in 1730 they complained to England of the interruptions by the common-law judges. But little was done and the dispute was left to take its course. Three noteworthy cases arose: that of the *Sarah* in Pennsylvania, 1731; that of Erving and Gray in Massachusetts, 1761; and that of Henry Laurens in Charleston, 1768, each of which disclosed the feeling of dislike that arose in the colonies in the eighteenth century against the authority and procedure of the vice-admiralty courts.

In 1764 and 1768, as a part of the effort to strengthen the machinery of the old British system in America, a reorganisation took place, whereby the powers of the vice-admiralty courts were greatly

[1] *Cal. St. Pap. Col.* 1702, nos. 585, 596, 708.

[2] Osgood, *American Colonies in the Eighteenth Century*, II, 300–1; *New York Colonial Documents*, IV, 924.

[3] West's Report, C.O. 323/8, L. 10; *A.P.C., Colonial*, III, § 205.

extended.[1] At first a single court was provided for, which was to sit at Halifax and to have concurrent powers with the other vice-admiralty courts in America, but without the right of hearing appeals. Because of the troubles resulting from the passage of the Stamp Act this plan was given up, and in consequence of the passage of the Townshend Act in 1767, for the more easy and effectual recovery of the penalties and forfeiture inflicted by the Acts of Parliament, four courts were established, at Halifax, Boston, Philadelphia and Charleston, to have jurisdiction both original and appellate within a specified area. The older courts remained as before, but further right of appeal to England was forbidden, the new courts serving as courts of last resort.[2] These courts were to be presided over by able civilians from Doctors' Commons, with salaries but no fees. Under the Act[3] all breaches of the Navigation Acts might be tried either in the vice-admiralty courts or in those of the common law at the option of the prosecutor. This plan was duly carried out, except that the judges were not, as a rule, doctors of civil law. Thus, control over vice-admiralty matters in the colonies was finally centred in America and a new arrangement was entered into similar to that which was effected at the same time by the establishment of the American Board of Customs Commissioners. Both marked for the colonies on the continent a tightening of the British bonds, at a time, too, when the colonies themselves were feeling the urge of greater liberty and freedom; and both showed the determination of the British Government to enforce at any cost and by every means in its power the dependence of the colonies upon the authority of Crown and Parliament.

[1] William Bollan, agent for Massachusetts, had urged such an extension in "Proposals" sent to the Board of Trade in 1749. C.O. 323/12, O. 61.

[2] *New York Colonial Documents*, VIII, 445.

[3] 7 George III, c. 15, § xli.

CHAPTER X

RIVALRY FOR COLONIAL POWER, 1660–1713

THE half-century between 1660 and the Peace of Utrecht witnessed a metamorphosis in Europe, and predicted and prepared an almost equal transformation in the world. In western Europe, its salient feature was the rise of Britain and the relative decline of France. The rise of Britain may be calculated from the datum of the Dutch, that "stomachful people"[1] who, though emerging with credit from four momentous wars, sank from equality with her to be merely a cockboat in her wake. It was attested by the gravitation towards her of smaller States, notably of Portugal, for whom France had earlier seemed the only possible ally, and Savoy, always sensitive to the magnet of superior power.[2] Despite her dynastic difficulties and party strife, moreover, Britain had improved in organisation and public safety no less than in wealth and numbers. The society of three kingdoms, ruled by a cabinet and inspired by Blenheim and Gibraltar, formed a far mightier force than the timid and unstable England of the Reformation. On three distant continents, as well as within her own boundaries, the future of Britain seemed in 1713 full of hope.

The France of Louis XIV, on the other hand, had reached and passed her zenith. The subjects of her King, indeed, still outnumbered those of his northern neighbour by something like five to two. With all its strain and privation, the great half-century of his rule (1661–1715) had added fresh elements to their national well-being. They now possessed widened territory, a strengthened frontier, improved communications, new industries, a great military and naval apparatus, and the memory of high achievement in the domains of both intellect and war. Spain, their secular rival, was henceforth to be governed by a Bourbon line, and the Habsburg ring around their frontiers was broken. Above all, at however great a sacrifice, their national unity had been secured. Never again would pious Catholics cross the Atlantic to escape from Huguenot intolerance,[3] while provincial disloyalties had melted in the beams of *le Roi Soleil*. Yet the hopes of 1664 had been dimmed, if not extinguished. "A most promising Prince he is, and all the Princes of Europe have their eyes upon him", wrote Pepys in 1663 on the last day of the dying year. But, after Ryswick and Utrecht, never again would foreigners extol Louis as "fallen into the right way of making his kingdom great, as none of his ancestors ever did before".[4] In a quarter of a century of struggle,

[1] Temple, Sir W., *Observations upon the United Provinces of the Netherlands*, p. 129.
[2] Carutti, D., *Storia della diplomazia della corte di Savoia*, IV, 3.
[3] Leroy-Beaulieu, P., *De la colonisation chez les peuples modernes*, I, 148.
[4] Pepys, *Diary*, 6 November 1668.

united Europe had dissipated his dreams of making the Dauphin Emperor and of himself dictating to the world. The wish uttered by Temple in 1669 had at last received fulfilment, for France "that grasps at all" had been "induced to leave the world some time in quiet".[1]

At the same time the Dutch and English had attained the aim explained in 1707 by Marlborough to Charles XII—a true balance of power. Thanks to their exertions, France could no longer make "offensive war daily and alone against all Europe, insulting her neighbours, invading their territories, and rendering the will of her King an universal law".[2] This metamorphosis in the West found its parallel in other State systems within Europe. Thanks in large measure to Prince Eugène, the House of Austria was steadily gaining strength, and the Empire, which in 1664 owed salvation from the Turks to Louis' troops, had by 1714 tamed the Ottoman power. In the north, Brandenburg had developed into Prussia, while Sweden was about to sink from the first order among kingdoms to the third. On the side of Asia, the Muscovites, half-roused by Peter's relentless cudgel, were becoming an incalculable menace to the Europeans of the north and east.

During this half-century, however, neither the world map nor the map of Europe had undergone any startling change. Yet the way had been prepared for a revolution in values by which colonies and commerce would soon sway policy as at no earlier time. At Utrecht "we acquired . . . the commerce of the world",[3] but at the same time no treaty between civilised States has ever embodied more challenges to war. The half-century after 1660 witnesses the germination of that colonial rivalry between France and Britain which dominated history until Waterloo.

At the outset, when Louis XIV, John de Witt and Clarendon had stepped to the forefront of the European stage, the world might seem destined to the calm which should follow the conclusion within thirteen years (1648–61) of six stubborn and widespread wars. With the religious question solved by exhaustion, the Habsburg and Vasa ambitions foiled, stable government restored in France and the will of the English people victorious over military rule, the time was surely ripe for the peaceful development of the riches of the earth. "The world is large", said the English ambassador to the Dutch in 1661, "there is trade enough for both, and if there were not, I do not see how it would be made more or more safe by their misunderstanding."[4] For Europeans, it is true, the world was far smaller

[1] Jones, D., *Letters written by Sir William Temple . . . to the Earl of Arlington and Sir John Trevor, Secretaries of State* (1699), p. 181.
[2] Besenval's report to Louis XIV; Coxe, W., *Memoirs of the Duke of Marlborough*, II, 58.
[3] Acton, Lord, *Lectures on Modern History*, p. 263.
[4] Beresford, J., *The Godfather of Downing Street: Sir George Downing*, 1623–1684.

than even that portion of it which had already been laid down upon the map. A generation earlier, it had already become an axiom that the princes of Europe habitually enlarged their dominions upon the regions of the other three continents.[1] Of Asia, Africa and America, however, the great bulk was inaccessible and unknown. For two centuries to come, islands and the coasts of the sea and of the greater rivers were to comprise most that was reckoned of value overseas. New England, it was said, was useful only to supply the West Indies, and in 1763 statesmen hesitated between Canada and Guadeloupe. Even Choiseul opined that Corsica was worth more to France than Canada had been or could become.[2] Vast as the globe might seem, and few the Europeans, the search for new coasts and waterways had not yet become superfluous in the days of Charles II.

Although in the western nations bold adventurers were not lacking, exploration for the moment languished. To reach Cathay by a north-western passage remained a dream which few attempted to realise. It would be wiser, men urged, to start from the South Seas and sail past the island of California towards Hudson Bay or homewards by the shores of Tartary.[3] Frenchmen from New France found the Mississippi and followed it to the sea, while their Government urged them to restrain their roving fancies unless they could light upon an outlet from the Great Lakes to the Pacific.[4] To Englishmen, the discovery to the east of southern South America of lands with climates demanding kerseys and heavy woollens seemed the most profitable line of research. For more than half the period, however, the maritime nations were struggling for their lives, and even in the breathing-spaces buccaneering proved more attractive than exploration.

In colonising the known world, on the other hand, greater progress was effected. Such expansion of the European peoples has been caused in various ways. From the days of Abraham to our own, races have found the land too strait for them, and the human hive has swarmed. For seventeenth-century Europe, the simple trek which peopled Siberia or the Transvaal must be represented by a costly and perilous journey overseas, while there was little surplus population of normal men and women. Princes in general welcomed foreign immigration, if its religious complexion were not too bad, and they would not readily give their own subjects permission to depart. Colonisation meant transporting fresh labour to land hitherto waste or under-peopled, within the confines of the State. It implied the action of Government, in contrast with spontaneous emigration.

Some bold spirits, none the less, were prepared to seek by honest labour overseas the fortune that seemed to be unattainable at home,

[1] Speed, J., *A prospect of the most famous parts of the world*, p. 155.
[2] *Mémoires du duc de Choiseul*, 1719–1785, p. 245 (Memorandum of 1770).
[3] Dampier, W., *A new voyage round the world* (4th edn. London, 1699), I, 273; Defoe, D., *A new voyage round the world*, I, 136.
[4] Clément, P., *Lettres, instructions et mémoires de Colbert*, III, ii, 579.

and many were prompted or compelled to cross the ocean by the divergence between their opinions and those of their rulers on matters of morals and religion. Colonies of Catholics and Dissenters in British North America already bore witness to these motives, and Darien was to lend them a lurid illustration. But the French as yet preferred to send to the galleys such elements as Cromwell had utilised to supply the West Indies with white slaves, and the Dutch had no men to spare. The West Indies indeed remained almost the only regions that possessed a real attraction for the ordinary settler.

The missionary motive which had inspired much of the colonial effort of an earlier age had for the moment declined in force. Roman Orders, notably the Society of Jesus, still formed missions, organising the Indians into simple communities of a few hundreds or thousands, whose main object could still be an orthodox and unambitious life. The knowledge and devotion of the "religious", indeed, was of vast service to the colonial movement in general, for it gave that culture which a nascent community must ordinarily forgo, and provided men competent to calculate, survey and build. The heretic nations, however, scarcely attempted propaganda, and they were the chief by sea.

Mere pride as a cause of annexation belongs in the main to a later age, when communications are easy, and great masses can read journals and interpret maps. Louis XIV, indeed, was ready to commission his subjects to acquire lands overseas for his glory, and he understood the effect upon France of the feeling that distant races revered and obeyed her King. But republics, Colbert said, "make no conquests except by the bad example of their liberty",[1] and in that age the English were as unostentatious in their colonial acquisitions as were the Dutch. The day of establishments in remote regions for strategic purposes had likewise barely dawned. It was commerce that in the age of Louis XIV mainly promoted colonies and determined their governance and type. The migration of workers on the land, like the self-expatriation of missionaries or producers, counted then for far less than the desire of merchants to secure fixed points upon the coasts of countries with which it was profitable to trade. The resolve to keep all the trade to themselves and to buy cheap in the native markets might lead on to wars and conquests, but it was profit, not dominion, at which men primarily aimed. The factory or depôt, the fort, the presidency, the dominion, grew from the seed of barter, and the flag half reluctantly followed trade. Such was the origin of the Dutch Empire in the East Indies and of British India, and it was in the steps of the Dutch and British that such aspirants as the Great Elector strove to follow.[2] Before Utrecht, it had become clear to men like Davenant that by holding India England "might become as

[1] Clément, *Lettres de Colbert*, III, ii, 220 and 222.
[2] Westergaard, W., *The Danish West Indies under Company rule*, chap. iii.

Rome. . . the fountain of law and the spring of power. . . throughout an immense Empire",[1] but the translation of the idea into policy did not follow for many years.

In 1664, moreover, it was rather the Dutch than the English who threatened to drive every competing trader from the field, and to appropriate to themselves all commerce. They had attained their unique position by a mixture of skill, industry and good fortune. Absolutely dependent upon sea power and trade, they gave to those objects the trained minds of a rich and well-educated people.[2] "Their North Pole", it was said, "is their traffic, measuring all things only by that."[3] They had learned how to build the cheapest ships in the world, how to freight them intelligently, and how to secure the interested co-operation of the crew. Colbert, bent on capturing their trade with the French West Indies, laments that without extraordinary strictness this is impossible, "such is their habit in carrying on all the trade, and in this all the inhabitants favour them".[4] A similar difficulty arose in persuading Orientals to sell to rivals of the Dutch who, through want of skill and of cheap capital, would be ruined if they paid Dutch prices. In the East Indies, however, their trade was of a nature so peculiar as to excite tyranny and violence in its defence. Nutmegs and cloves, cinnamon and pepper, are commodities of which a small quantity may command an enormous price, while a larger output may easily outstrip the demand and make prices fall. Hypnotised by their early successes, the Dutch clung to the policy of small supply and rigid monopoly of production. They treated with equal brutality the natives of the islands and the foreign merchants who intruded, and they organised forts and troops and navies to preserve their absolute domination. Their East India Company, it was said, could equip a fleet as great as the French fleet at the death of Mazarin,[5] while its army was reported to exceed 10,000 men. "The Dutch", it was widely believed, "ever will be underhand dealers and destroyers of your trade and people by all the ways and means they can invent."[6] Other nations had recourse to costly Navigation Acts and still more costly wars to prevent the Dutch from everywhere absorbing commerce.[7]

In an age when three dozen horses in five days could transport a statue little more than half a mile on the road from Nancy to Paris,[8] the coasting trade and inland navigation bore a highly important relation to the total volume of exchange. Apart from these, commerce fell mainly into five divisions, each hampered by some artificial

[1] Pollard, A. F. (ed.), *The British Empire*, p. 573.
[2] Cf. Jonge, J. K. S. de, *De Oorsprong van Neerlands Bezittingen op de Kust van Guinea.*
[3] Thurloe, J. (ed. Birch, T.), *A Collection of the State Papers* (London, 1742), VII, 525; Lucas, C. P., *Introduction to a Historical Geography of the British colonies*, pp. 77, 81.
[4] Clément, *Lettres de Colbert*, III, ii, 491.
[5] *Ibid.* II, 456, 457.
[6] Sir D. Thomas, cit. Davenant, V, 218.
[7] Child, Sir J., *A new discourse of trade* (2nd edn. London, 1694).
[8] Clément, *Lettres de Colbert*, V, 310, 525, 528.

danger of its own. From the Baltic, "the Indies of the materials of shipping",[1] came supplies indispensable for navigation, in exchange for oriental goods and the luxuries of western Europe. At the gateway of the Baltic stood the King of Denmark, resolute to profit by his hold upon an international highway. Through him, the Dutch had gained such power that the oaken keys of the Sound, they boasted, lay in the docks of Amsterdam.[2] Trade through the Straits of Gibraltar and with the Levant, the so-called "India of the Provençals",[3] was more ruthlessly preyed upon by the Barbary pirates. That towards Latin America suffered from the iron restrictions of the Spaniards, who forbade their colonies to foreign merchants on pain of death. Fleets of Spanish galleons, therefore, collected European goods at Cadiz in exchange for the precious metals, thus giving to Iberian slowness its maximum effect. Tropical eastern America and its islands at the same time offered a new and lucrative market for slaves. In Barbados negroes were styled "the life-blood of this place" and it was computed that (with God's blessing) they would earn their cost in eighteen months.[4] In Dutch eyes they were "an essential part of the fruits of the land and without which the soil is nothing worth".[5] They shared with gold dust the foremost place among the exports of West Africa, a theatre of commercial war between the western nations and exposed to the attacks of buccaneers. There, as in northern America, the West Indies and Brazil, diversity of ownership made for a certain freedom, but in the Pacific short of the coast of China rigid monopoly reigned. The Spaniards restricted trade with the Philippines to a single galleon to and from Acapulco every year, while the Dutch strove to close the East Indian archipelago to every rival. The traffic of the American Pacific coast was confined to a few Spanish ships, and if a hostile force rounded Cape Horn, trade was simply suspended until the danger passed.

There remained the great peninsula of India with its dependent islands. Here again the Dutch, rising upon the ruins of the Portuguese dominion, strove for monopoly. "All the prudent men among them", wrote Temple, "confess that they have more already in their hands than they can manage with so small a stock of men."[6] But the Dutch in India proved no more liberal than the Spaniards in Mexico in admitting the moral claims of other nations to what they owned but could not enjoy. "Enemies to all Europeans but such as are under their own government",[7] they attempted by securing the approaches to India to monopolise its trade. The Cape of Good Hope,

[1] Gardiner, S. R. (ed.), *Letters of Sir Thomas Roe*, p. 2.
[2] Edmundson, G., *History of Holland*, p. 230.
[3] Philippson, M., *Das Zeitalter Ludwigs des Vierzehnten*, p. 83.
[4] Beresford, J., *Sir George Downing*, p. 44.
[5] Temple, *Letters*, p. 150.
[6] *Ibid.* p. 193.
[7] Dampier, W., *A Voyage to New Holland...in the year* 1699, *Continuation* (London, 1709), p. 51.

established as a victualling station in 1652, developed as the century progressed into the only true colony which the Dutch possessed, with the possible exception of Surinam.[1] In 1658, the Portuguese were likewise driven from Ceylon. French acquisitions on the island and in southern India could not be maintained. The English were dispossessed at Pulo Run (Polaroon) and were thought to be in peril in Barbados. The policy of the Dutch, in a word, lent colour to the charge that their natural tendency is towards extremes.[2]

The commerce of the world, despite every danger and prohibition, was yet too large and various to be monopolised by a single people or compressed into a brief formula. Even after the war of 1688–97 had been extended from the political to the economic sphere, the French ambassador regretted that his country bought from England enormous quantities of horses, mohair, ribbons, lace, cider, beer, glass, bottles, Spanish wine, cloth, lead and tin.[3] But those parts of commerce which most aroused the cupidity of the western nations consisted in the supply of tropical products to Europe, the supply of negroes to America, and the acquisition by any means convenient of the gold and silver of Mexico and of Peru.

The attraction of these prizes, in regard to which Portugal and Spain had played so poor a part, was evident in the efforts of Denmark, Sweden, Scotland, Brandenburg and Hamburg to secure a share. The only serious competitors, however, were the Dutch, who approached monopoly wherever there was anything like free access,[4] and the English, their superiors in man-power and in martial ardour, and resolved at least to maintain what commerce and colonies they already had. When 1664 dawned, the two nations were plainly drifting into war. Although in the absence of a simultaneous struggle between France, the protector of the Dutch, and Spain, their ancient tyrant, it was hard to expect decisive success, the English were too much incensed to calculate. "Refusing us the restitution of Pulo Run and denying us trading in all the coast of Guinea", wrote one,[5] "showing scorn to all the English . . . of Surat, . . . hanging the . . . St George under the Dutch flag", wrote another[6]—devising all manner of tricks to secure a monopoly everywhere, as men believed—the Dutch "made our merchants mad" and Clarendon was overwhelmed. In March 1665 the second war broke out, which was destined to exhaust both nations and to suggest to a pious observer "that the Divine Providence did always set bounds to the victors, like as He had done long since to the seas whereon they fought: hitherto shalt thou come and no further".[7]

[1] Bonnassieux, P., *Les grandes compagnies de commerce*, p. 77.
[2] Grew, E. and M. S., *The Court of William III.*
[3] Grimblot, P., *Letters of William III and Louis XIV*, 1687–1700, II, 227.
[4] Child, *Discourse*, p. 194.
[5] Beresford, *Sir George Downing*, p. 184.
[6] Pepys, *Diary*, 15 February 1664.
[7] Colenbrander, H. T., *Bescheiden uit vreemde archieven omtrent de groote nederlandsche zeeorlogen*, 1652–1676, I, 343.

At this juncture a third Power, differing widely in character, organisation and resources from the other two, entered the race for commerce and for empire. With the Dutch the *primum mobile* was their trade and the merchants were the State. In England, a larger and a less homogeneous country, these elements had not so dominant a place, but must in the long run prove decisive. But in France, more than the double of both combined in resources and in population, the merchant class was despised, and the fleet both discredited and in decay. There was in the directing of France, moreover, a conflict of tradition and of policy which might permanently confine her to Europe. The adventurous character of her sons and her possession of three great coastlines pointed towards the world outside. Her acquisition of important West Indian islands and of wide regions on the American mainland showed that she could both explore and colonise. But their vast and fertile homeland furnished little incentive to her people to remove, while the danger from her neighbours in the past had set up a tradition of counter-aggression towards Flanders and the Rhine which the present weakness of both Habsburg families was only too likely to confirm. It was therefore of vital importance that, while French policy hung thus unfixed, Louis XIV gave his confidence to Colbert.

Born a poor gentleman in 1619, Colbert had grown up in the public service and was now its soul. By sheer competence, he attracted office after office to himself, and soon it could be said that all France passed under his eyes in every moment.[1] By serving Mazarin he had learned to worship Richelieu, so that his advent to power became a Richelieu restoration. "To expedients, endless calculations, Italian tergiversations, there succeeded energetic resolutions, more than were necessary, sometimes shooting beyond the mark."[2] Louis knew well that the man who had planned and effected the downfall of Fouquet had made him really King, and that the minister who behaved like an industrious attorney could never be dangerous to the Crown. With characteristic magnificence, he accepted and rewarded Colbert's devotion, committing even his irregularities to his care, and not seldom following his advice. Colbert's unique devotion, however, was not the outcome of adoration for his master, for which indeed he lacked the needful imagination. While the courtiers were assuring Louis that the rain of Marly did not wet, Colbert was writing, "Your Majesty has so mixed up your pleasure with the war on land that to disentangle them is not easy".[3] His mainspring was a passion, rivalling that of Napoleon, for affairs. To the question whether labour late or early was the better, he answered, "Both"; being wont to divert himself at his desk for some fifteen hours a day. What constituted his strength was his zeal not for Louis, but for France.

[1] Lavisse, E., *Histoire de France*, VII, i, 157.
[2] Clément, *Lettres de Colbert*, I, xx.
[3] *Ibid.* II, i, p. ccxviii

To the King he gave the loyal service that was due to the lawful head of France, but he was too dispassionate to admire a sceptred colleague in her service who could prefer the ideals of a Louvois to his own. The harsh recluse who held that every man had at least nine vices to one virtue, and who disliked many classes of Frenchmen without giving praise to any, dreamed none the less, as the Venetian senate were informed, "of making the whole country superior to every other in wealth . . . having need of nothing, but dispensing everything to other States".[1] When he had been a dozen years in power, a manual of commerce was dedicated to him as the man who had taught France that she could do everything and must be ashamed to enrich foreigners by her neglect.[2] Foreigners, it is true, he disliked, one and all, unless they were prepared to become French. "All his policy", wrote a great modern critic, "was to create in France and to destroy abroad."[3]

The least mistakable of men, Colbert produced no less methodically than fearlessly his great design for the world primacy of France. She had already by far the strongest army. Her navy must become its peer, and her revenue such as would easily suffice for both. In every industry she must be unrivalled: internal communications must be made perfect: and she must appropriate all commerce to herself. All this could be effected by obedience to the King's directions as formulated by his faithful servant in an unending shower of rescripts. Adam Smith, indeed, belittled him as a plodding man of business who endeavoured to regulate the industry and commerce of a great country upon the same model as the departments of a public office.[4] It is certain, however, that his unfailing energy and his influence with the King made his ideas on commerce of great moment to mankind. His distended working-day gave him little leisure for abstract economics, but, happily for his own peace of mind, he found these matters too self-evident to demand prolonged investigation. Commerce, it was clear, was a war for gold and silver. The numbers of mankind remaining stationary and their wants unchanged, commerce could not but be fixed in volume. What proportion of this fixed volume a State obtained should depend upon its power, the numbers of its people and the extent of its coastline. "It is certain", he declared, "that the maritime forces of a state are always in proportion to the commercial."[5] To increase its commerce and therefore its navy, no means was so sure as to despoil a competing power. In thinking of the Dutch or English, he agreed with Captain Cocke that "the trade of the world is too little for us two, therefore one must down".[6] This did not necessarily mean resort to pike or cannon: ordinances, subsidies, bribes and the sight of superior fleets and armies might be enough. To royal companies he once triumphantly ascribed the King's wealth

[1] Clément, *Lettres de Colbert*, VII, p. clxxii.
[2] Savary, J., *Le parfait négociant* (Paris, 1675).
[3] Lavisse, E., *Histoire de France*, VII, i, 229.
[4] *Wealth of Nations*, IV, ix.
[5] Clément, *Lettres de Colbert*, VI, 268.
[6] Pepys, *Diary*, 2 February 1664.

and the need that he had spread in neighbouring States.[1] But though not bellicose, or even highly vindictive, Colbert was restrained by little human sympathy and by few of the finer scruples. Frenchmen he cherished in so far as they served the State, but he would have them reduced to four useful callings. He perverted justice to supply the galleys with labour, and shipped off girls to the colonies with orders to be married within a fortnight of arriving. Against foreigners he was ready to weight the scales of justice[2] and to use any means to render them subservient to the needs of France. Of religion he had sufficient to announce, probably without conscious hypocrisy, that the chief object of new companies for the Indies was to carry the light of the gospel into those distant lands.[3] But to the Japanese he explained that the King's subjects were of two religions, and that, in view of their preference, he would send them only those whose religion was that of the Dutch.[4] He is said to have driven his wife from his deathbed, surprised that she, who would not have dared to interrupt his work for Louis, should intrude upon his converse with the King of kings. But the 270,000 priests, monks and nuns of France, being neither productive nor reproductive, gave him little joy. It was natural to him to resent clerical interference with the sale of spirits to the Redskins, and to show himself eager to bring Calvinist craftsmen into France. Rather a statesman than a doctrinaire, he was in spirit a Hohenzollern, though less fundamentally tolerant than they, and the architect of power by sea rather than by land. The ruthless realism of policy, the patient attention to detail, the unfailing energy of application are common to Prussia and to Colbert's France.

Early in 1664 the great adventure was begun. Before securing the King's decision to make France a commercial nation, Colbert had set out fairly the arguments against this course. It might be regarded, he insisted, as a breach not merely with French tradition but with the tradition of all powerful States. Fertile France, moreover, was not naturally industrious or prone to save. By sea she was unskilful, needing twice the numbers of the Dutch to produce a given result. Either the French would be undersold by the Dutch, and therefore ruined, or they would ruin and alienate a dependent republic of which the entire disposal was in His Majesty's hands.[5] Dutch behaviour, however, gave little countenance to this contention that Dutch sea power was tantamount to French, and the measures now proclaimed by Colbert were such as must inevitably bring about a rupture. Regardless of public opinion, he announced to Marseilles and other important towns that a million *livres* would be expended yearly in promoting manufactures and navigation. River dues were to be abolished, roads improved, shipping subsidised and merchants

[1] Clément, *Lettres de Colbert*, II, ii, 676.
[2] *Ibid.* III, ii, 484.
[3] *Ibid.* II, i, p. clxi.
[4] Cit. Lavisse, *Histoire de France*, VII, i, 236.
[5] Clément, *Lettres de Colbert*, II, i, p. cclxvi.

protected diplomatically in foreign lands. While studiously allowing the French States-General to decay, the King proclaimed his wish to receive merchants at his court and to render conference with them easy.[1]

At the same time the expenditure that Mazarin had thought necessary for the navy was multiplied fivefold, and no pains were spared to transplant to France the naval science of the Dutch and English. The most immediately arresting of all Colbert's measures, however, was the formation, with lavish assistance from the State, of privileged companies for the Indies, both West and East. To the reconstructed West India Company Colbert assigned a monopoly of trade with all the islands, as well as at Cayenne and on the mainland from the Amazon to the Orinoco, with French North America and with Africa from Cape Verde to the Cape of Good Hope. The French West Indies, though acquired by private gentlemen, were transferred to the Company, and vigorous orders were issued to appropriate for Frenchmen their existing commerce with the Dutch.[2]

The East India Company, with a capital of 15,000,000 *livres*, was an even more grandiose creation. Its monopoly, granted for fifty years, began at the Cape of Good Hope and embraced all the eastern and southern seas. Its conquests, with all their minerals and the right of making slaves, were to remain its own for ever, on condition that it maintained Christian worship and the French judicial system. Besides subscribing one-fifth of the initial capital and extracting much more by influence, the Crown promised liberal bounties on all French goods carried abroad, and on all colonial goods imported by the Company into France.[3] Efforts were made to stem the tide of Dutch conquest by securing the relics of the Portuguese dominion in India.[4] Two million pounds of salt were offered to Denmark as a loan in kind if she would sell the unprofitable post which she held upon the coast of Malabar.[5] But the Dutch East India Company, created and maintained by the energy of a whole people, strengthened by long experience and possessing assets estimated at 800,000,000 *livres*, was not easily to be undersold, intimidated or dispossessed. French success in the East Indies postulated the prior subjugation of the Dutch in Europe.

At the same time Colbert spared no pains to develop the French colonies in North America. Wishing his children in Canada, as the minister explained, to feel the sweetness and happiness of his reign like those in the heart of France, Louis exhorted them to work, to trade, and to manufacture.[6] The great obstacle to progress lay in the reluctance of almost all Frenchmen to go to Canada or to settle quietly when they arrived there. The fact that French colonies were in a very real sense Catholic missions closed them to Huguenot emi-

[1] Clément, *Lettres de Colbert*, II, ii, 426. [2] *Ibid.* III, ii, 484, etc. [3] *Ibid.* II, i, p. clxiv.
[4] *Ibid.* II, ii, 456. [5] *Ibid.* VI, 232. [6] *Ibid.* III, ii, 394.

gration. Short of compulsory expatriation, to which the King would not resort, however, every lawful method of augmenting the population was tried. Copious rescripts, the exhortations of the Church, the despatch of troops with orders to marry, the export of young women and of livestock, the preparation of houses and holdings by the forces of the Crown—all were freely employed, yet the reluctant growth of the Canadian people almost drove Colbert to despair. Breaking with the Jesuit policy of Indian segregation, he insisted that the numbers should be raised by the incorporation of the natives. Every possible freedom of activity was granted to the colonists. Intercourse with Boston was encouraged, and when the trade in furs declined, the representatives of the Crown were encouraged with the argument that this would turn the settlers' minds towards more solid occupations. Despite all his tenacity and resource, indeed, progress proved of the slowest, but in the 'sixties this could hardly be foreseen. What first appeared (1664–7) was that France had made a bold push for colonies and commerce when she enjoyed the advantage of peace with Spain and when the Dutch and English were at each other's throats. For in February 1664 the Royal African Company, presided over by James, Duke of York, had seized part of the coast of Guinea, and further English aggressions against the Dutch included the capture of New Amsterdam (September 1664). Early in March 1665 England formally declared war.

By the challenge of Colbert and the outbreak of war between England and the Dutch, the relations between the three active colonial peoples became almost inextricably intertwined. Their history, their forms of government, their religion, and their interest seemed each to point in directions mutually opposed. As rebels against the House of Habsburg, the Dutch must be the natural allies of France, and France claimed that to her they owed their independence. Recent years had shown the French, however, that gratitude could not be counted on to save their influence in Constantinople and northern Africa from Dutch attack, while Dutch statesmen saw clearly that to safeguard Amsterdam the French must be kept far from Antwerp, their natural goal. In the days of the Armada, Dutch and English had protected each other against Spain, and Britons had continued to form the kernel of the army which Dugald Dalgetty's "mean, amphibious, twenty-breeched boors" hired for their own defence.[1] Yet the Stuarts and Cromwell alike recognised in Dutch power a deadly menace to England, and strove both by laws and arms to ward it off. Against the republic Charles II cherished the grievance that his nephew of Orange was improperly debarred from power. Of France and England it could be said that despite the mutual hatred of their peoples they had generally lived in peace and alliance for more than a century, apart from the little war of

[1] Edmundson, G., *Anglo-Dutch rivalry during the first half of the seventeenth century*, p. 82.

La Rochelle (1627–9). France and England were enthusiastic monarchies; Holland, an impenitent republic. The Dutch, none the less, shared with the English a passion for civil rights to which the French were strangers. Many now regard the churches of France and England as always Catholic, while the Dutch were heretics from the first. In 1664, however, there was no greater bond of sympathy between the Dutch and English peoples than their common antagonism to Rome. The day of religious wars did not then seem to have ended. Fifteen years later, Shaftesbury could denounce "a secret universal Catholic league, carried on by the clergy for the utter extirpation of the Protestant religion".[1] If France ruled Europe, Burnet in all sincerity assured Queen Anne, "in less than three years' time she would be murdered and the fires would be again raised in Smithfield".[2]

But, disregarding forms and fears and bygones, what relations between the three Powers did their respective interests in 1664 dictate? It is perhaps impossible to find a formula of policy which could reconcile the legitimate demands of each for security and progress. Each nation, it is true, owed something to the others in prosperity as well as in freedom. "If the Dutch", argues a Dutchman, "almost completely expelled the Portuguese and Spaniards from the Indies, the overthrow of these nations contributed not a little to the aggrandisement of the English in America and to the bloom of their commerce in Europe."[3] The Dutch, Colbert reasoned in 1665, could not break with France, since without her their commerce could not exist. Imports to the annual value of more than 20,000,000 *livres*, employing 3000 of their ships and more than 50,000 of their subjects, pledged them to her alliance.[4] French and English, again, cooperated whole-heartedly in some parts of North America and the West Indies, while political and commercial jealousy failed to suppress their mutual trade in Europe.

In spite of Colbert and of the companies, the nations might one day realise that they traded with each other for their own advantage, that the world was wide enough for all, and that forts and armies and prohibitions usually cost more than they brought in. The age, however, had decided for the ideas of the Navigation Acts and there only remained the vital question of security. What the Dutch had in great part accomplished in the commercial field, Louis threatened in the political. Two decades of his rule were needed to display to Europe all that was in his mind and to league the remaining nations against France. A king who holds and practises the belief that, since God has made him stronger than other kings, He must intend him to

[1] Christie, W. D., *A Life of. . . Anthony Ashley Cooper, First Earl of Shaftesbury*, p. 282.
[2] Burnet, *History of my own time*, p. 874.
[3] Aelberts, J. (publisher), *Les heureuses suites de l'alliance. . . de. . . Guillaume III et Marie II . . . avec. . . les S.S. États-Généraux des Provinces-Unies* (La Haye, 1689).
[4] Clément, *Lettres de Colbert*, VI, 243.

dictate to them, is apt to excite alarm before his full design appears, and such was the case with Louis. Popular instinct was aroused in Holland and England long before the Revolution, and neither nation can be blamed for obstructing the commercial career of France.

"If England", asked a pamphleteer, "by means of the woollen manufactures and by vent of her tin, lead and sea-coal has amassed such riches, what might one not have believed France would have gained, which, besides her manufactures of wool, silk, linen, hats, paper and many other things which are eagerly sought after by all the world, supplies other countries with wines, brandies, wheat, salt, oil, and fruits of all sorts for immense sums? This...made my Lord Bellasis say, That if God should one day make the Turks know what they could do at sea and the French how far they might extend their commerce, all Europe would soon fall a conquest to those Powers."[1] It is difficult, indeed, to assign any bounds to the dominion to which seventeenth-century France, if adroitly guided, might have attained. The sober road of purchase would assuredly have carried her frontier posts far afield,[2] while her enhanced wealth and power after successive incorporations would have rendered new advances more easy. Leibniz urged Louis to acquire a Holland of his own in Egypt, a halting-place at the cross-roads of commerce, which powerfully appealed to the instincts of the French. Had he made this choice, which no Power could have successfully contested, "the necessity of mastering the Mediterranean and opening the Red Sea...would have compelled the occupation of stations on either side of Egypt, and France would have been led step by step, as England has been led by the possession of India, to the seizure of points like Malta, Cyprus, Aden, in short, to a great sea-power".[3] The guidance of France, however, was not always clear-sighted or adroit, and the result, as will be shown, was failure.

In 1665, however, war between the two chief maritime Powers favoured the ambitions of their would-be rival so plainly that some attributed the Anglo-Dutch struggle to France. Evelyn thought in April that "this terrible war" had been "begun doubtless at secret instigation of the French to weaken the States and Protestant interest."[4] In fact, the struggle arose from commercial and colonial disputes which excited both the rulers and the people of the two nations, and neither Louis nor Colbert was eager to join in. The early success of the English was accounted profitable to the Dutch, since it would compel their French allies to rescue them.[5] Before taking this unwelcome step, the French besought the Dutch to buy peace by concessions to England in America, Guinea and the East Indies.

[1] Huet, P. D., Bishop of Avranches, *View of the Dutch trade* (London, 1722).
[2] Cf. Dreyss, C., *Mémoires de Louis XIV pour l'instruction du Dauphin*, pp. 552–60.
[3] Mahan, A. T., *The influence of sea-power upon history*, 1660–1783, p. 141.
[4] *Diary*, 5 April 1665. Cf. Davenant, *Works*, III, 309, 310.
[5] Abraham de Wicquefort to Lionne, 2 July 1665 (Colenbrander, *Bescheiden*, I, 239).

Once embarked, however, Colbert manifested his spleen in his plans to overthrow the would-be tyrants of the seas. Sweden and Denmark, he urged, should be stirred up against that ferocious nation. The danger that the House of Orange might be restored and might then prove subservient to England should perhaps be countered by lending Turenne to the Dutch as their stadholder. The Mediterranean and the Baltic might be closed against the English if France were prepared to endure the loss of trade and the danger to her islands off the American coast.[1]

The war pursued its chequered course without decisive result or great change in the relative power of England, France and Holland on either side of the seas. Until the Dutch raided the Medway, the great strokes failed. Counting on the King of Denmark, the English hoped to seize stupendous riches from the enemy merchant fleets at Bergen, but "against. . . the opposition of Heaven, Dane and Dutch" they could accomplish nothing.[2] The Dutch largely avenged their early losses, and by robbing their merchantmen procured the necessary sailors, but the English replied with such a muster "that the Dutch. . . thought that every oak in England was grown into a ship since last battle".[3] The treaties concluded at Breda in 1667, after the manifold reverses of the English, registered concessions which could hardly have been avoided. Pulo Run, disputed for nearly half a century, was an unhealthy outpost in a region where the Dutch had proved their superiority. The principle of the mutual retention of conquests cost us Surinam (now a genuine Dutch colony), worth less than New Amsterdam, which we retained. To relax the Navigation Act so as to allow Dutch ships to transport Rhenish goods to England was elementary statesmanship. As between French and English, restitution was the basis of the peace. Criticism was provoked by the return to the French, after thirteen years' possession, of Nova Scotia (Acadia) "which hath a river three hundred miles up the country, with copper mines more than Swedeland, and Newcastle coals, the only place in America that hath coals that we know of".[4] The recovery of Antigua, Montserrat, and our former half of St Christopher none the less far outweighed this loss according to the common scale of values of the time. To a seafaring northern nation, a sugar island was worth more than a continent in the frigid zone.

Although its terms were unimportant, the peace marked a momentous change in the relationship between the three chief Powers which made it. The English were relieved of their most exaggerated fears of invasion. Charles, freed by the fall of Clarendon, could now for his own ends consort with Louis XIV, while his subjects followed

[1] Clément, *Lettres de Colbert*, VI, 245 seqq.
[2] Sandwich, *Apology* (Colenbrander, I, 257).
[3] Colenbrander, I, 417.
[4] Sir George Downing, cit. Pepys, *Diary*, 8 September 1667.

their Protestant instinct to prefer the Dutch. The French were set free to throw their strength into the War of Devolution, an attempt to fortify their eastern frontiers at the expense of Spain, and to advance the claim of their Queen to be heiress of the Spanish Empire. The Dutch, menaced not remotely by this French advance, were powerfully impelled towards an understanding with their recent foe. A lasting *entente*, however, was unattainable so long as they continued to threaten English trade and to exclude the King's relations from their natural place within the State.

After the Peace of Breda, the monopoly question and the Orange question were for a moment obscured by the threatening progress of the King of France. Turenne's swift conquests in Flanders and Hainault alarmed both sea powers, while the loss of Franche-Comté roused the Emperor as well as Spain. Reviving as it seemed a national and Protestant policy, the league between Dutch and English in their Triple Alliance with Sweden delighted Londoners and to all appearances immediately achieved its end (January 1668). At Aix-la-Chapelle Louis limited his conquests to a dozen strong places on the border of the Spanish Netherlands, and in 1668 he found it less difficult than in later years to persuade Europe of his moderation.

In the four critical years which followed (1668–72), France enjoyed the advantages which flowed from her long *entente* with England and from her longer championship of the liberties of Europe against the Habsburgs. The menace to Spain incarnate in Louis XIV drove Spain, indeed, into a closer association with England which had important results beyond the seas. In 1670 the voluminous agreement for peace, commerce and alliance concluded at Madrid three years before was supplemented by "a treaty for the composing of differences, restraining of depredations, and establishing of peace in America". Tacitly abandoning her claim to monopoly, Spain conceded to the English the right to keep and enjoy for ever all that they possessed in the New World. While sailing to or trading in each other's ports in America remained forbidden, either King might suffer it by licence, and for a generation Spain found it profitable to tolerate much English trade.[1] In contrast with the Latin Powers, the Dutch, on the other hand, suffered the consequences of their behaviour, which convinced their new allies that they designed a total monopoly of oceanic trade.

Sir Josiah Child enumerates no less than fifteen trades lost by England, and these mainly to the Dutch. These include the Russia trade, where the Dutch ships are now twenty-two to one, the Greenland trade, where the Dutch and Hamburgers are perhaps five hundred to one, and such important trades as those to China and Japan, to the East Indies for nutmegs, cloves and mace, to Surinam, and in great part the Plate trade from Cadiz and the trade in Spanish

[1] Coxe, W., *Memoirs of. . .Sir Robert Walpole*, I, 557–60.

wools from Bilbao. Even "that vast and notorious trade of fishing for white herrings upon our own coast" and "the trades of Scotland and Ireland, two of our own kingdoms, the Dutch have bereaved us of and in effect wholly engrossed to themselves". Were they freed from their French fears, he concludes, they might be to the English as severe taskmasters as the Athenians to the lesser trading-cities of Greece.[1]

The Africa and East India Companies furnished an unfailing supply of local quarrels. "For all this noise", said Clifford at the rejoicings for the Triple Alliance, "we must have another war with the Dutch."[2] Next year the rumour ran that the most prudent English statesmen had urged waiting only until France and Spain were by the ears.[3] "If we must fall out with the Dutch", wrote the architect of the Triple Alliance, "we can never do it in more nor in better company; for I know not whether we are more dissatisfied with them at this time than France and Spain and Sweden and the Bishops of Cologne and Münster. . . Sweden for refusing to secure any part of their subsidies, and Spain for pressing them to secure the whole by a hypothèque of the upper quarter of Gelderland."[4]

From the standpoint of national necessity, however, the grievances of all other Powers against the republic were as transient and unimportant as those of France were the reverse. Even England might accept Temple's verdict that, drunk or sober, the Dutch showed zeal for her alliance, and that they had no real design to exclude her from the India trade.[5] But to Louis and to Colbert it had become clear that *Messieurs les Marchands* blocked both the lines upon which France might endeavour to advance. The keys to the treasure-houses of the Indies, no less than the key to Brussels, lay in Amsterdam. Hence while Colbert waged a tariff war and created a mighty navy, Louis taxed all the resources of diplomacy to isolate the obstructive Power. By what base means he succeeded in winning the King of England is well known. The secret Treaty of Dover, which promised Zealand to this country, involved English policy in treachery only paralleled by that which followed the fall of Marlborough. Arlington was compelled to refuse the accession of the Emperor to the Triple Alliance, to sacrifice the Duke of Lorraine to France, to inflict cruel wounds on the faithful Temple and to betray Buckingham, his fellow-servant.[6] The regular and the subterranean diplomacy of France were reinforced by the clumsy but significant arguments of Colbert. The English, he declared for Charles's ear, ought not to be allied with a Government of

[1] *A new discourse of trade* (2nd edn. London, 1694), Preface.
[2] Cooke, G. W. (ed.), *The life of the first Earl of Shaftesbury by Mr B. Martyn and Dr Kippis*, p. 360.
[3] Pepys, *Diary*, 20 March 1669.
[4] Temple, *Letters*, p. 179.
[5] *Ibid.* p. 184.
[6] Barbour, V., *Henry Bennet, Earl of Arlington*, pp. 171 seqq.

merchants like the Dutch, a Government which was all for commerce and one whose flourishing condition could only too easily display the difference between a republic and a monarchy in that regard, while the French alliance would have the opposite effect. He derided English jealousy of the French power by sea, declaring that the Dutch alone had dared to equal that of England in the late war, and that as their commerce increased so would their sea power in proportion.[1]

These arguments, historically interesting as they may be, were unnecessary to convince the King and powerless to convince the people. The Dutch were soon to utter a more cogent appeal when they declared that three years after their downfall England's turn would come.[2] In 1672, however, royal policy prevailed in England as in France. "Surely", wrote Evelyn when the piratical war broke out, "this was a quarrel slenderly grounded and not becoming Christian neighbours."[3] Among the factors which determined Charles's declaration of war, the hope of seizing Dutch ships, Dutch colonies and Dutch commerce occupied a leading place. The attempt on the Smyrna fleet failed, and Southwold Bay was indecisive, but for a time in 1672 it seemed as though the forces which Louis had marshalled could do with the republic as they pleased. The small merchant State, whose great men were at variance, was overwhelmed by Turenne and Condé, supported by England, Sweden, Münster and Cologne. Colbert, who had in all good faith directed the bishops to invite "Heaven's blessings upon an enterprise so just and lawful as this",[4] was called upon to formulate terms of peace which should satisfy the needs of Louis' commerce. His reply[5] illuminates both the political and the commercial theory of the age.

The simplest plan, he pointed out, would be to annex both the Dutch and their commerce to France. Failing this, their commerce with France itself might be taxed and that with the northern nations so hampered as to favour French competition. Their transactions at the bar of Cadiz he regarded as immune from interference, but their ships could be kept out of the Mediterranean, and ten to twelve million *livres* of trade with the Levant might thus be wrested from them. Half that sum or more, the price of negroes and gold dust and other goods exported from Africa to America, might be secured by taking Curaçoa, Tobago, St Eustatius and a fort on the Guinea Coast. The great trade with the Indies, no less considerable than that with the Levant, could be halved by taking one of the Moluccas and a "place" or two upon the coast of Malabar. All this would flood France with bullion and thereby swell the revenues of the King.

As posterity can never forget, this programme of spoliation was frustrated by de Ruyter, whose strategy foiled the French and English

[1] Clément, *Lettres de Colbert*, VI, 268.
[2] Colenbrander, *Bescheiden*, II, 165.
[3] *Diary*, 12 March 1672.
[4] Clément, *Lettres de Colbert*, VI, 288.
[5] Colenbrander, *Bescheiden*, II, 153.

fleets,[1] and by William of Orange, who proved himself a worthy member of "the noblest succession of heroes that we find in any history".[2] He was aided by the natural reaction of Europe against the monarch who could contrive such a war and the minister who could wish to end it on such rapacious terms. William never gave greater proof than in 1672–4 of a self-control in which his partisans had shown themselves lamentably lacking. He refused alike to make himself king, to purchase a fatal peace, and to embarrass his future by a perhaps unprofitable English marriage. Having given the Dutch a rallying-point and a policy, he first secured the help of his kinsman the Great Elector, and afterwards that of Denmark, the Emperor and Spain. His own advent to power had removed the English King's chief grievance. Early in 1674, the deeper instincts of England prevailing over jealousies of trade, she relapsed into a neutrality more and more menacing to France. Although the French neglected nothing that could keep her neutral, the inevitable consequence of her defection was that as between the belligerents the Dutch became superior at sea. Colbert trembled for the coasts both of France and of America, though in fact his newly created fleet proved by no means negligible in warfare, and the French developed and profited by a taste for privateering.

Among the first effects of the struggle upon colonial and commercial competition was the interruption of the French efforts to build up their Canadian dominion. In a year in which the King had to maintain 200,000 soldiers and a numerous fleet, he could send the colony only a consignment of sixty girls.[3] If, in 1678, England had declared war, his plan was to suspend all commerce, and make every available merchantman a privateer.[4] The treaties of Nymegen, like the war which they concluded, were overwhelmingly continental in character. Restoring Holland, and marking another stage in the long retreat of Spain, they brought Louis as a European monarch to the height of his power. If, however, contemporaries thought it no hyperbole to speak of his ambition of a fifth universal monarchy, this must be ascribed in part to the promise of the fleet, which could be brought by following Colbert's methods to a strength of some eight hundred vessels with as many men as might be needed. The French even boasted that de Ruyter had been vanquished by Duquesne, and in a few years Spain, Genoa and Algiers were all made to feel the growing reality of their naval power.

On the other hand, a war which had added Franche-Comté and many northern towns to France, and which had enabled Louis to throw his aegis magnificently over Sweden, owed its brilliance and its success not to the sea but to the land. It had confirmed in the

[1] Custance, Admiral Sir R., *A study of War*, pp. 30–42.
[2] Burnet, p. 703.
[3] Clément, *Lettres de Colbert*, III, ii, 557.
[4] *Ibid.* III, ii, 79.

autocrat of France that prejudice against naval warfare which showed itself in his omission to fulfil his many promises to honour the new naval arsenals with a visit.[1] Not until 1680 was he astonished at Dunkirk, as Bismarck in his old age at Hamburg.[2] Louvois, rather than Colbert, stood first in Louis' favour, and aggression on the eastern frontier rather than overseas occupied the royal mind. That France, which had defied Europe in a war of aggression, continued her encroachments in time of peace, lent additional weight to the third great consequence of the war, the rise of William of Orange. The Protestant prince, scion of a great German house, who had saved Holland, who protected the neighbouring provinces of Spain, and whose marriage with Mary of York (1677) gave him great significance in England, seemed to be marked out more clearly year by year as the predestined champion of Europe against France. William's attitude towards colonies and commerce was therefore a historical factor of high importance.

It may be safely said that while no Dutch statesman could ignore the ocean, and least of all he who had advocated a national flight to the East Indies to escape from servitude to France, William was throughout his life compelled to think first in terms of Europe. His personal preference, like that of Louis, was for the land, and he lacked interest in other continents. Thus the loss of the directing mind of Colbert on the one side was not accentuated by the gain upon the other of a statesman with great designs of empire. The Dutch people continued to follow those instincts and appetites which had made their overseas position, but they were denied the interference of their only statesman who was strong enough to interfere. The expansion of England under the later Stuarts likewise owed little to political direction. Charles II, it is true, took an interest in such matters; James was a gold hunter and a keen seaman; Clarendon understood the importance of Plantations; Shaftesbury wrote ably on colonial questions; and the Committee of Trade was not always, as the Dutch ambassador sneered, composed of men wholly ignorant of it.[3] But if it cannot be maintained that, from 1664 to 1678, England was steered by a man or body aiming steadily at power overseas, still less can this be said of the tumultuous and tragic years which culminated in the Revolution. Of them in general the words were true which Burnet applied to the passive acceptance of the bombardment of Genoa in 1684: "We were now pursuing other designs, from which it was resolved that nothing from beyond sea should divert us".[4] England had profited by four years of neutrality and French favour to acquire a great carrying-trade, but Parliament

[1] Clément, *Lettres de Colbert*, VII, p. xlvii.
[2] Lavisse, *Histoire de France*, VII, ii, 263; Bülow, Prince von, *Imperial Germany*, p. 127.
[3] Evelyn, *Diary*, 5 February 1657.
[4] Burnet, p. 384.

forced the abandonment of Tangier, while James did not hesitate to trample on prosperous Virginia.

Between the Peace of Nymegen and the outbreak of a general European war in 1689, therefore, commercial and colonial rivalry played a secondary part as compared with the constitutional convulsions of England and the assertion of autocracy by France. While Charles was struggling with the Protestant extremists about Exclusion, Louis was annexing one German city after another in what is known as the "war in peace". His capture of Luxemburg, for example, though primarily defensive, was esteemed to make the French masters of all the Netherlands, to give them entrance into Germany, and to open the way to universal monarchy.[1] Yet England did not move, and in 1684 the Emperor sanctioned for twenty years many of the so-called *réunions*. Not until the oppression of the Huguenots and of the Piedmontese Protestants had seemed to denote "an universal design to destroy all that would not go to mass throughout Europe",[2] did the English, the Dutch and other Protestant peoples feel that a new effort must be made. The brutal treatment of Genoa and the brutal treatment of the Pope helped to unite Powers of both religions in William's League of Augsburg (1686). The English Revolution and Louis' attempt to restore the Catholic James II by force expanded this league into the Grand Alliance, which from 1689 to 1697 arrayed Europe with unprecedented unanimity in the defence of her liberties against aggressive France.

The menace to Europe was the greater in that France could now employ for aggression the strength which she owed to Colbert. Colbert himself had died in 1683, after witnessing the failure of many of his schemes and the loss of his prime influence with the King. Neither his own dejection at the last nor the manifest error of some of his ideas should disguise the importance of his contribution to colonial and commercial France. His improvement of communications, establishment of free ports and reduction of the rate of interest at home qualified his country to compete with foreign producers. No less important was the improved status which he gained for French merchants, thus opening their calling to men of gentle birth. His fleet could not but make a powerful bid for supremacy at sea and might well become irresistible. With its support, the imposing empire of France beyond the seas and the considerable machinery of companies devised for its exploitation must play a great part in history. In France, moreover, where either the people needed the initiative of the Crown or were prevented by its obtrusive activity from developing initiative of their own, Colbert's stream of decrees and subsidies had produced an appreciable harvest. "Venetian glass, Brussels lace, the stocking industry, fine cloth of Louviers, of Sédan, of Abbeville, common cloth of Elbeuf, Caudebec hats, Tours

[1] Evelyn, *Diary*, 26 May 1684. [2] *Ibid.* 5 May 1686.

and Lyons silks, tapestry of la Savonnerie, of Beauvais, of Aubusson, the perfecting of clock-making, the cultivation of madder, various products of iron, of steel, of leather, of clay"—all these owed their development to him.[1]

The war (1688–97), whose beginning was marked by a short-lived French ascendancy at sea, produced many colonial and commercial fluctuations and disasters, while in India English progress was crowned by the foundation of the station which soon became Calcutta. In America, King William's war compelled the several colonies to take counsel together for defence against the French. At home, the new pre-eminence of Parliament within the constitution found expression in the formation and pervasive activity of a Board of Trade. Captures and conquests were made by both sides on and beyond the seas, yet on the whole both the war and the peace were conspicuous for the unqualified predominance of Europe. The keynote of the Treaty of Ryswick indeed was mutual restitution. The chief colonial nations, the French on one side and the Spaniards, the Dutch and the English on the other, settled their differences without the exchange of territories overseas. French rule was recognised in Nova Scotia, and France recovered Pondicherry from the Dutch. Almost a decade of war, none the less, had developed British sea power, which rested on a commercial marine, and British colonies, which represented a genuine migration, in contrast with their respective French competitors, which depended upon the authority and the initiative of the Crown. Seven years had passed since the death of Colbert's son, as brilliant as his father had been obscure, the Seignelay who had developed the maritime ambitions carefully inculcated from his birth. His country had again won laurels upon the land, while the attendant exhaustion and expense rendered her incapable of reverting immediately to Colbert's policy overseas. Louis, indeed, might hope that the approaching dissolution of the Spanish empire would compensate France for every sacrifice, but the studied moderation of his peace terms could no longer regain him the reputation forfeited in 1672 and in the 'eighties. He must enter the competition handicapped by the settled distrust of Europe and by the firm establishment in England of a Protestant dynasty represented by his lifelong foe.

The truce between France and Europe concluded in 1697 lasted in fact for little less than four years. These were of necessity filled with negotiations and preparations for disposing of the Spanish empire. When Mexico and Peru were at stake, it was idle to expect statesmen to absorb themselves in St Christopher or Curaçoa, while even from the trader's point of view, Spain or Naples might well surpass any conceivable gain outside of Europe.[2] A further key to the history is

[1] Chéruel, A., *De l'administration de Louis XIV* (1661–1672) *d'après les mémoires inédits d'Ormesson*, p. 94.

[2] Cf. Corbett, J. S., *England in the Mediterranean*, 1603–1713, II, 188, etc.

furnished by William's belief that France and Austria had a secret understanding, that a new religious war was imminent, and that the Protestants would be no match for their opponents.[1] Louis, on the other hand, credited him with the same autocratic control of policy that he himself enjoyed, and surmised that he might seize the Spanish possessions in the Indies, or acquire them by the Emperor's connivance.[2] In his sincere endeavours after world-peace, however, William could by no means count upon the English. He was in reality, men declared, king in Holland but no more than stadholder in England.[3] "One would say", he complained to Heinsius, "either that this island is the only thing on the face of the earth, or that it has nothing to do with the rest of the world."[4] The facts of his position compelled him to negotiate only for such terms as seemed to his Dutch confidants and to himself likely to please an ungrateful and uninstructed nation.

In these conditions, the record of the bargaining between Louis and William which resulted in the secret Partition Treaties of 1698 and 1700 throws an unwonted light upon colonial and commercial questions. For the first time since 1664, these took a leading share in determining the policy of States. The Indies, the Mediterranean trade, and the mastery of the sea were avowed as prime interests of France and England, whose kings bent all their minds to find a formula which they could defend against the Emperor, Spain and the rest of Europe.

England, speaking through the mouths of Dutchmen for Holland also, naturally placed trade in the forefront, and regarded "places" only as they might give the necessary security for trade. The continuance of her Mediterranean trade and the development of trade with the West Indies called for Ceuta, Oran, Gibraltar, Port Mahon, perhaps all Minorca, and Havana or some equivalent.[5] Louis argued that to share the Indies in any way with the Dutch and English would be to take the whole from Spain, that Port Mahon would make them masters of the Mediterranean, and that a demand for Gibraltar would affront Spain even more.[6] He was, however, plainly warned by his ambassador in London that the English conceived that their commerce would be ruined if the Indies and Cadiz fell to France, and that William would be able to draw the last penny from their pocket for war in such a cause.[7] War, moreover, would result in the seizure of the chief Spanish ports in America by the Dutch and English.[8] These considerations largely determined the provisions of the treaty of 1698. Spain, the Indies and the Spanish Netherlands were assigned to a Bavarian prince from whom both parties had much to

[1] Grimblot, P. (ed.), *Letters of William III and Louis XIV*, 1697–1700, I, 131.
[2] *Ibid.* I, 249 and 274.
[3] Ward, A. W., *Great Britain and Hanover*, p. 3.
[4] Grimblot, *Letters*, I, 184.
[5] *Ibid.* I, 344.
[6] *Ibid.* I, 449.
[7] *Ibid.* I, 508.
[8] *Ibid.* II, 55.

hope and little to fear, while Louis counted on acquiring the trade of Spain by annexing Guipuzcoa, and that of all the Mediterranean by annexing Sicily, Naples and the Tuscan ports. William rightly judged that this Partition Treaty, concluded without the knowledge of the English or Spaniards, and with cynical indifference to dynastic titles and to both the pride and the good government of Spain, would cause "an amazing emotion" when it became known. And when, within a few months, the Bavarian died, the opprobrium seemed to have been incurred in vain. "We are in no small labyrinth, and may it please God to help us out of it", was his dry comment.[1]

Despite the protests of Spain, however, Louis and William were soon hatching new treaties for the succession to her two and twenty crowns. Colonial questions, perhaps still more the memory of colonial wrongs done by the Dutch, told against their adoption of the King of Portugal as the Spanish heir.[2] Had the sea power of France become what Colbert and his son designed, Louis would hardly have acquiesced in the assignment of Spain, the Indies and the Netherlands to the Habsburg House. The acquisition of Lorraine as well as Naples, Sicily and the Tuscan ports, all promised by the treaty of March 1700, seemed so profitable to France, however, that when the throne of Spain fell vacant in November, the English ambassador in Paris expected him to hold firm. William likewise entertained little doubt that the Emperor would prefer a treaty which gave him much, to a will which gave him nothing.[3] Within a few days, however, Louis had decided to break his word, and to take the risk of war—the war, as it proved, which was almost to fill the remainder of his days and to prepare and predict the triumph of England overseas.

In this momentous decision, commerce and colonies weighed heavily with the French. "There might be some hope", the diplomatic Torcy contended, "that the Indies would be of no small assistance" if it were necessary to defend the will by force. The chancellor dared to argue that extension in Flanders was trivial by comparison with the union of two great monarchies—a union which would enrich France by the commerce of the Indies and enable France and Spain to set the pace in Europe.[4] The Dauphin, at the council, and Madame de Maintenon, whom the King regarded as the embodiment of tranquil wisdom, were on the same side. The Dutch and English, William declared to Heinsius, were faced with ruin.[5] To save Belgium, indeed, they had consented in the Partition Treaties to yield the Mediterranean to France. Belgium would now turn Bourbon, and there was but a faint hope that Naples and Sicily, by declaring for the Emperor, might save the Mediterranean. It would be but natural if Louis added Portugal to Spain, and set about

[1] Grimblot, II, 152, 163, 255.
[2] *Ibid.* II, 283.
[3] *Ibid.* II, 452, 453; Ranke, L. von, *History of England*, V, 238.
[4] Grimblot, II, 457, 467.
[5] *Ibid.* II, 477.

restoring his Stuart clients to their former thrones. Men who had suffered from the pitiless monopolies of Colbert knew what value to place upon his master's argument that England and France would be secure in the Mediterranean because Naples and Sicily were to pass not to himself but to his grandson. Yet in April 1701 William could only report that the English were highly reluctant to begin a war on their own account, though they would not leave Holland in the lurch.[1]

At this juncture, politics were complicated by the Darien tragedy, which threw an unique illumination upon the commercial and colonial situation of the time.[2] Prompted both by the need and by the ambition of Scotland and by her envy of the English trade, the "Company of Scotland trading to Africa and the Indies" had, in 1695, secured a monopoly in Scotland for trade with Asia, Africa or America for thirty-one years. The Act which William's commissioner was unwary enough to sanction gave the Company the right to take unappropriated territories that were uninhabited or whose inhabitants gave consent, while it bound the King to protect it against any foreign State Although some saw in this a design to sacrifice English commerce to the Dutch,[3] while the Council of Trade protested that Parliament was usurping its functions, English would-be traders with the East Indies subscribed £300,000 in nine days, and the men of Hamburg were no less eager. Government, however, interfered, and although the Scots, piqued and tempted, promised more than they could easily perform, the result was a pitifully inadequate capital of £400,000. Paterson, the hero of the enterprise, held that a settlement on the Isthmus of Panama would make Scotland supplant Holland as the *entrepôt* of eastern trade, and thousands were ready to quit their famine-stricken country to cultivate a more generous soil. The whole adventure might have taught a Colbert the value of that dearly bought adaptation and experience which still remained the almost exclusive patent of the Dutch. The French and English had long regarded Panama as a region tempting but forbidden. Now the Scottish pioneers died by sea and still more by land, while their leaders were finding great quantities of thin grey paper and small blue bonnets among their cargoes.[4] The days of the Partition negotiations, moreover, were hardly the season for what both France and Spain must deem rank piracy, while British planters feared that the new pirate station would reduce their supply of labour.[5] William's subjects were forbidden intercourse with the intruders, the Governor of Jamaica refused all aid, while the Spaniards and the fever drove them out. Although the Darien failure ultimately helped the Union, its immediate result was to inflame the Scots against the English and their common King.

[1] Ranke, VI, 378.
[2] Barbour, J. S., *A history of William Paterson and the Darien Company, passim.*
[3] Burnet, p. 621. [4] Barbour, p. 142. [5] Davenant, I, 415.

Meanwhile, a grave prediction was finding fulfilment further north. "Should the French settle at the disemboguing of the river Meschasipe", wrote Davenant, "they would not be long before they made themselves masters of that rich province, which would be an addition to their strength very terrible to Europe."[1] A chain of forts from the Gulf of Mexico to Canada must enable them to intercept all the interior trade of the British northern Plantations. But the race for control of the lower Mississippi was won by Louis' subjects, and Louisiana threatened to stifle the British on the Atlantic seaboard.

In Europe, by blunders which may not be related here, a monarch who in 1701 seemed in secure control of France and the Spanish Empire found himself two years later confronted by the sea powers, the Emperor, Savoy, Portugal, Denmark, Prussia and Lorraine. "I tell you plainly", ran William's last speech to his Parliament,[2] "if you do not lay hold on this occasion, you have no reason to hope for another." The War of the Spanish Succession was in fact destined not merely to rescue Britain but to make her the one great sea power of the world. Within ten years of its outbreak in 1702, she had become "a sea-power in the purest sense of the word, not only in fact, but also in her own consciousness".[3] The story of this evolution, the dominant factor in the history of her colonial rivalry with France, is traced in another chapter;[4] it remains to indicate the part played by oceanic questions during the war and at the peace.

Britain interfered with the succession in Spain because William III manipulated a torrent of public indignation against France into a declaration of war. The ruler of the Dutch and English found his supreme duty in the defence of the balance of power in Europe. After Ryswick he had sincerely endeavoured to accomplish this by agreement with France. Louis' repudiation of the Partition Treaty left him no alternative but to attempt the coercion of France, the task which, as Ryswick proved, had lately been too great for united Europe. Louis' folly, however, drove the Sea Powers into alliance with the Emperor, and in the case of Britain added to the traditional hatred of France an acute care for the Protestant faith, for the right to choose her sovereign, and for her most cherished trades. When Louis seemed unaggressive, their cheerful acceptance of Philip as King of Spain had roused the fury of publicists against the class of moneyed men. Thirty years earlier, Davenant protested, the shops would have been shut up at so near a prospect of universal monarchy as the Bourbon succession implied. But capital was as heedless as Rome when Catiline's conspiracy was brewing. "They say, if we have peace, their stocks will rise in value; if a war comes, they can

[1] Davenant, I, 415.
[2] Oldmixon, J., *History of England during the reigns of William and Mary, Anne and George I* (London, 1735), p. 254.
[3] Mahan, *Influence of sea-power*, p. 217.
[4] *Vide infra*, chap. XVIII.

again bring money to thirty or forty per cent. interest; so they shall find their account either way."[1] When however it became clear that Louis could and would control Spanish policy, that he would do so in the spirit of Colbert, and that he styled a papist pretender King of England, the commercial interest became as bellicose as William could have desired. They were roused in part by what was done and in part by what was expected.

The exclusive right to import negroes from Guinea into Spanish America was conceded by Philip to the French Asiento Company for ten years from September 1702. An equivalent in goods or metal might be brought away, and a fourth share in the enterprise was reserved to the kings of France and Spain. No arrangement could have more ominously violated that principle of equality of opportunity with regard to Spanish America which the Partition Treaties had endeavoured to secure. It was certain that blows would soon be aimed at trade with the Bourbon lands in Europe.

The will to war which had been directed by William it remained for Marlborough to maintain. When his long series of victories had reduced Louis to beg for peace, while the allies had proved impotent to drive Philip from the throne of Spain, the Tories declared that the duke's preference for land warfare and Dutch jealousy of British progress overseas had robbed Britain of maritime conquests. Swift expressed amazement that "while some politicians were showing us the way to Spain by Flanders, others to Savoy or Naples. . . the West Indies should never come into their heads".[2] It is true that as a statesman Marlborough concentrated firmly on the pre-eminent object of securing the balance of power by subduing Louis XIV, and that as a strategist he shared the natural distaste of a commander-in-chief on the main front for "side-shows" far away. "I dare not speak against the project of sending troops to the West Indies", he wrote in 1710, "but I will own very freely that I think it can end in nothing but a great expense and the ruining of those regiments."[3] It may be that this attitude enabled the enemy to continue their commerce and thus to support the war.[4] But it would be rash to assert that Marlborough's strategy was at fault, and false to suggest that British interests overseas were neglected.

In negotiating the alliance with the Emperor he was careful to guard and extend trading rights with the Spanish dominions. The first strokes of the war were aimed with ill success at Cadiz and with greater profit at the yearly fleet from the West Indies in Vigo Bay. "Nothing can be done without the fleet", wrote Marlborough in 1708, "I conjure you, if possible, to take Port Mahon."[5] "If we

[1] Davenant, Charles, *Works*, III, 300 seqq.: "Essay upon the balance of power" (1701).
[2] The Conduct of the Allies (*Works*, ed. W. Scott), V, 28–31.
[3] Coxe, W., *Memoirs of the Duke of Marlborough*, III, 37.
[4] Swift, *Works*: "History of the Four last Years of the Queen", pp. 275, 278.
[5] Mahon, Lord, *History of the War of the Succession in Spain*, pp. 44–64 and 254.

look for the hand that held the helm of British naval policy steady for the Mediterranean, we find almost always that it is Marlborough's",[1] and the Mediterranean formed the pivot of the continental balance of power. The flagrant failure of Jack Hill's Tory expedition against Canada justified his misgivings. The dismal record of mutual and profitless destruction in the intercolonial struggle goes far to condemn a form of warfare which must threaten the very existence of the conquests, while a Power beaten in Europe would readily save itself by surrendering these distant possessions intact. Marlborough was in fact, even if unconsciously, the protagonist of British sea power. After Blenheim the coasts of Britain were secure, and as one hard campaign followed another, Louis could sustain his armies only by pillaging his fleet. France continued to produce great seamen and by raids and commerce-destroying to embarrass the allies. But rivalry with Britain by sea, still more the ambition of Colbert and Seignelay, ceased to be possible. As the sea power of France diminished and her need of respite grew, as Holland became less and less capable of supporting both war by land and sea and her accustomed commerce, as England found the means to carry all her burdens and at the same time to expand her trade, inevitably she became more insistent to demand and Louis less disinclined to grant terms of peace which should perpetuate her favoured position. The rise of the barometer is clearly recorded in her diplomatic history. The treaties of alliance had provided that whatever the Dutch and English might capture in Spanish America they should retain. In 1707, by a secret arrangement made at Barcelona with the Habsburg King of Spain, England stipulated that the French should be for ever excluded from the commerce of the Indies, that an Anglo-Spanish Company should be formed for its exploitation, and that, failing this, Englishmen should be ranked with Spaniards for purposes of trade.[2] Two years later, when the terrible winter of 1708–9 had brought Louis to the verge of despair, Torcy secured written peace terms from Heinsius, Marlborough and Eugène. These laid special stress on the total renunciation by France of the Spanish Indies and their commerce, and to this, as well as to the cession of French posts and claims in Newfoundland, Louis gave consent. The pride and greed of the allies, however, and their deep distrust of France, caused this and subsequent similar negotiations to break down. Not until October 1711 did the secret and separate negotiations of Harley and St John issue in an agreement for a more rational termination of the war. "Was there no way", Swift had pertinently demanded, "to provide for the safety of Britain... but by the French king turning his arms to beat his grandson out of Spain?" Now, in return for that peace which the Emperor was still bent on denying, and, as its

[1] Corbett, J. S., *England in the Mediterranean*, II, 199.
[2] Stanhope, Earl, *History of England*...1701–1713, II, 56, 57.

foundation, the acceptance of his grandson's claim to Spain and her dominions, Louis consented to recognise Queen Anne and the Hanoverian succession, to conclude with England a new treaty of commerce, and to raze the fortifications of Dunkirk, the Zeebrugge of an age of privateers. England was further to retain Gibraltar and Port Mahon, those keys of the Mediterranean, to receive the Asiento for thirty years, and to annex all St Christopher, French Newfoundland and Hudson Bay and Straits, frustrating thus in North America many of Colbert's plans.

After more than a year of open congress at Utrecht, and further secret negotiations between France and England, this salutary bargain was confirmed. France renounced for ever any special advantage in commerce or navigation with Spain or Spanish America. In addition to the territorial concessions already named, Nova Scotia (Acadia) became British once again, and Port Royal, an American Dunkirk, was thus rendered harmless. Unhappily for future peace, however, Cape Breton Island and the other islands in the St Lawrence remained French, and the French retained "the right to catch and dry fish" upon part of the Newfoundland coast. England and France further concluded a most-favoured-nation treaty of commerce and navigation. Louis might thus be said to have abandoned vast fields of enterprise overseas to the English. He was no less lavish towards their new dependents, the Portuguese. The clauses by which he agreed to limit French Guiana renounced all pretensions to the Amazon and sacrificed "a commercial itinerary of fifteen hundred leagues".[1]

Secure of Spain, Philip V could be induced to pay by unbounded deference his debt to France. He therefore abjured for ever the right to sell or pledge to her or any other nation any land or lordship in America. With due safeguards against Jews and Moors, he yielded Gibraltar and Minorca to Great Britain. The Asiento concession was rounded off by the grant of a depôt for human livestock on the Rio de la Plata, and by certain limited rights of trade with Spanish America in other goods. These were to form the sole exceptions to the time-honoured law which prohibited all foreigners from engaging in commerce with the colonies of Spain.

In the complex of international agreements that compose the Utrecht settlement, nothing is more significant than the difference between the stress laid on overseas affairs in those concluded with the English and Dutch and the silence in those concluded with other non-Latin Powers. If a king had made the war but merchants the peace, it was in no small degree because during the war England had become mercantile as never in her former history. The *Spectator* in 1711 bears witness to an assured cosmopolitanism of expenditure which would have seemed strange to Pepys less than half a century

[1] Leroy–Beaulieu, P., *De la colonisation chez les peuples modernes*, I, 172.

before.[1] "The fruits of Portugal are corrected by the products of Barbados, the infusion of a China plant sweetened with the pith of an Indian cane.... The single dress of a woman of quality is often the product of a hundred climates.... We repair our bodies by the drugs of America and repose ourselves under Indian canopies. Trade, without enlarging the British territories, has given us a sort of additional empire." Ten years later, it is true, Defoe was indicting China ware, Japanese goods, tea and coffee as "trifling and unnecessary"; while sugar, cotton, arrack, copper and indigo he classified "injurious". Few could doubt, however, that Englishmen would toil, navigate, and, if need be, fight, rather than deny themselves such comforts. Few could suppose that laws and prohibitions would annihilate mutually profitable exchange. Even before the Peace of Utrecht, the English had supplied New Spain with slaves, receiving payment, by an ingenious system, in jars of silver covered over with meal.[2] By a still more flagrant connivance of government officials, both Dutch and English were allowed to import into France goods from the Levant in French ships.[3] Europe, which had discovered in 1648 a new political organisation, was plainly entering upon a new phase of her existence. Henceforward her constituent nations would be more and more closely interwoven by way of trade, and that trade already consisted largely in the exchange of goods from outside Europe. The colonial and commercial age, with England as its leader, had begun.

[1] Cf. Davenant, *Works*, I, 30, 91.
[2] Anon., *An account of the Spanish settlements in America* (Edinburgh, 1762), p. 416.
[3] Lavisse, *Histoire de France*, VII, iii, 256.

CHAPTER XI

THE WEST INDIES AND THE SPANISH-AMERICAN TRADE, 1713–1748

IN the eighteenth century the West Indies held a place of importance among the colonies of Great Britain which is difficult to explain by their size or population, or even by the extent of their productions or their capacity to absorb British exports. They were the first care of governments in time of war, for they were in constant danger of attack; and their white inhabitants were too few to render them independent of British troops even in time of peace. The high esteem in which they were held is explained by their value, not merely in direct commerce, but also as the pivot of several branches of trade. The sugar trade involved many English interests, shipowners and merchants, refiners and grocers; while the lesser products of the islands, cotton, coffee, pimento and ginger, were all articles of which supplies within the Empire were insufficient. Throughout the eighteenth century there was also a steady intercourse with the British colonies on the mainland. Small coasting vessels plied constantly between the two, carrying West Indian products, particularly to New England, and bringing back the provisions and lumber for which the Plantations offered a constant demand. The regular trade with the North American colonies left the islands to a large extent in the hands of mainland exporters, and, as these were frequently unwilling to take in return sufficiently large quantities of island produce, a considerable export of bullion was necessary. It was to avoid this that attempts were made to open up trade in logwood with Central America. The attempts were only in part successful, as they were hampered by the lack of a recognised status on the coast. Expeditions to Campeachy Bay were organised from Jamaica as early as the reign of Charles II and ultimately representations to the Government at home led to the appointment of a Superintendent of the Moskito Shore in 1749.[1] Frequent conflicts took place with Spanish merchants carrying out similar projects, and the ventures were long regarded as of doubtful legality. The trade never reached large enough dimensions to be a substitute for the trade with North America.

In this Central American trade, Jamaica took the lead among the British islands, and through the whole of the eighteenth century she was regarded as the most important of the British West Indies, having outstripped Barbados in the reign of Charles II. The advantage of size was greatly in her favour, as was also the fact that her land was

[1] McLeish, J., "British Activities in Yucatan and on the Moskito Shore in the 18th Century", an unpublished thesis in the Library of the University of London.

not "used-up" so early by constant cultivation; but her chief asset was her geographical position, admirably suited to the *entrepôt* trade to the Spanish Indies. The independent settlers of Jamaica cared little that their activities were illicit, and it was to the interest of no one to interfere. The profits were great so long as the trade was forbidden, but when attempts at regulation began in the opening years of the eighteenth century they dwindled. Then for nearly half a century this phantom of a legal trade deflected colonial enterprise, and in the end brought it to ruin. The story of this mistaken policy, which we trace in this chapter, began with the Peace of Utrecht and is bound up with the activities of the South Sea Company and the working of the Asiento treaty. It is essential for the history of the West Indies, since their fortunes were gravely affected by its failure brought about by mismanagement and lack of loyalty in the "trading part of the nation" in England and the islands.

The history of British relations with the Spanish Indies entered on a new phase with the close of the War of the Spanish Succession, for an age of contract succeeded one of lawlessness. The treaty of 1670[1] had done little to define the English position in the New World, and had ignored the most significant developments of the period. After this treaty, as before, Englishmen still acted on the maxim that the seas were "free to all", and Spain still held that in the New World they were closed to all. The treaties of Utrecht did not, indeed, entirely set aside these creeds, for they were to be the underlying cause of the war of 1739. But the change in 1713 was a real one. Henceforth there was a specific grant to which to appeal, and English adventure in the New World gained a new status in international relations.

In 1713 Spain was starting a new period under a new dynasty. But it was still the old Spain, with all her old weakness and wealth, and her old policy of commercial exclusiveness for which her industrial impotence made her wholly unfit. But her wealth and importance were even yet great enough to fire the imagination of Europe. She had survived the serious losses of the sixteenth and seventeenth centuries; and the new losses were not so great as the old. Yet it was the loss of the Italian lands that caused her international decline; to recover them she sold her diplomatic freedom to France, and her commercial prosperity to France and England.

The Indies were still valued by the people of Spain, more than any other Spanish possessions. Even the partition makers of the last fifteen years had left these territories unimpaired, although to France, England, and the Dutch, as much as to Spain, they seemed an unfathomed sea of riches. Visions of wealth there for the taking had come to Drake and Raleigh, to Harry Vane and the merchant advisers of Cromwell, to the diplomatic agents of Charles II; and

[1] *Vide supra*, p. 315.

now they came to the financial schemers of Anne and George I. They were to visit later both the Pitts in turn, and stir the imagination of Canning. The manifestations changed in character during these two and a half centuries, but their inspiration remained the same.

The change came in the time of Cromwell's "Western Design", for it was only in imagination that this was a revival of the Protestant fervour of Elizabethan times. Many of the men who furthered it were London merchants such as Martin Noell and Maurice Thompson, practical men of business. Their *Eldorado* was to be sought in a growth of trade, and it was for this that they valued Hispaniola, and invested capital in Jamaica. From their time onwards to that of Canning the unreality of the vision lay in the exaggeration of the possibilities of Spanish American trade, and not in false ideas of the value of Spanish gold.

In the seventeenth century there were three principal ways of tapping the wealth of the Spanish Indies. First, the lands of the New World were rich in minerals and tropical products. Silver and gold, cochineal, dye-woods, and indigo, were all there in abundance, and found ready vent in European markets which had none of them. In the second place, the mines required negro labour, and the supply of negroes might be made another source of profit. Thirdly, it was necessary to provide goods for the outward cargoes of the vessels that brought home the treasure of the Indies. In the earliest period of English penetration to the coasts, direct seizure of the treasure was the only method followed. In later times, the tradition of Drake and Raleigh was kept alive by Blake and the buccaneers of Jamaica, and lured Narborough and Dampier to voyages in the South Seas. But the more regular methods gained in popularity, and were the real concern of statesmen from the time of Blake and Morgan.

It was the misfortune of Spain that while her ambition demanded that she should be the sole channel through which the wealth of America was brought to Europe, she was incapable either of obtaining her own labour supply or of providing cargoes for her fleets. The papal disposition of the world left the African coasts to Portugal, and Spain did not venture to falsify her own position in the West by infringing Portuguese rights. But Spanish industry had been stifled by the religious zeal of the sixteenth century, and it was difficult to revive it. In the eighteenth century both Alberoni and Patiño tried to do so; but the first had too short a period of influence, and both were distracted by other aims. Probably both were too late. It was necessary therefore throughout this period to buy goods and negroes from the foreigner.

In spite of this, the Spanish colonial system remained one of exclusive commercial monopoly.[1] At first from Seville and later from

[1] See Dahlgren, E. W., *Les relations commerciales et maritimes entre la France et les Côtes de l'Océan pacifique*; and Haring, C. H., *Trade and Navigation between Spain and the Indies.*

Cadiz, a colonial policy was organised whose chief object was the reservation of colonial wealth to Spain. Every year ships sailed for the Indies, at first freely in small groups and then in two organised fleets. In the middle period of the sixteenth century, the fleets sailed separately, but as the seas grew more unsafe they journeyed to San Domingo together. One, the *flota*, went thence to Vera Cruz in New Spain, calling at Porto Rico on the way. The other, the *galleones*, was bound for Terra-Firma or, as the English called it, the Spanish Main. Cartagena was the first objective. As soon as the ships arrived there, news of their arrival was sent on to Portobello and Lima, and from Lima the *Armada del Mar del Sur* sailed for Panama taking with it the silver of Peru. From Panama the cargo travelled by caravan to Portobello. By the time it arrived, the galleons were there too, and the merchants of Portobello were ready for the great fair. After the fair the galleons moved back to Cartagena to load the return cargoes. Thence they sailed to Havana, whither the *flota* also returned; and together they passed home through the Bahama channel. At the height of Spanish power, it is said that the two fleets numbered fifty vessels of 27,500 tons burthen, but in spite of all precautions, they suffered heavily, in the sixteenth century from English seamen, and in the seventeenth from the free-booters and pirates who made their homes in Jamaica.

It is impossible to estimate the extent of British participation in this trade, though in the seventeenth century it was probably considerable. But the transport of American goods to European markets was difficult, and less direct methods of securing a share in the wealth of the Indies were therefore more profitable.

The most popular method was through the trade in slaves. In the early years of colonisation, Spain had tried to secure at least a share in the profits of this for her own merchants, employing them as contractors to supply a given number of slaves to the colonies; and although traffic with the foreigner was necessary to obtain the slaves, a fair pretence of Spanish agency was maintained. Later the practice changed. The contract, or Asiento, became a monopoly for a term of years, and it was frequently granted to foreigners. In the early period of this new system the Asiento was held most often by the Portuguese; from the time of the conquest of Portugal in 1580 to its recovery of independence, they held it almost continuously. Then it began to be granted to more distant merchants, and Germans, Dutch and Genoese all participated. The terms of the grant to one group of these contractors—that of 1663 to two Genoese merchants—included a new privilege. They could buy the slaves from the subjects of any country not at war with Spain. Later contracts included a similar clause, and the result was a great development of the slave markets in the Caribbean; and both Englishmen and Dutchmen shipped slaves there more for Spanish needs than their own.

Charles II tried to better this in 1667 by asking for the Asiento for his new Royal African Company, but his application failed, as did a similar attempt of William III in 1698. The fact was that French influence in Spain was becoming important, and in 1701 the Asiento was granted to the French Guinea Company.[1] Jealousy of France from this time forward reinforced other motives for making English statesmen desire the Asiento.

The Spanish slave trade, however, was valued not only for itself but also as a cloak for other activities, since the holders of the Asiento had valuable opportunities for opening trade in European goods. From early times Spain had found it necessary to admit such foreign participation in practice, although she denied it in principle. The Seville merchants who supplied most of the cargoes for the Indies secured their foreign goods through alien merchants, French, English, Portuguese, Germans and Dutch, who employed the Spaniards as their factors, and obtained thus a considerable share in the profit of the voyages. The practice became so regular that it lost entirely its illicit character, as had the foreign agency for the supply of slaves.[2] It was inconvenient, however, and the factors were subject to a heavy duty, and another method, therefore, developed in the seventeenth century, although it was not recognised as legal by Spain. This was a direct trade in the Caribbean. Here England was in a strong position through her acquisition of Jamaica, for Spanish merchants from the coast came to the island to buy slaves, and found it easy to arrange also for a supply of European goods. Small sloops carried the goods to the Spanish ports, and a new source of wealth was opened to the inhabitants of the islands.[3]

Towards the end of the century, the merchants of Jamaica began to be outbid by the French, and French trade grew quickly in the later years of Louis XIV's wars. Its success was due largely to the temporary disorganisation of the Spanish commercial system; for no fleets came to the New World between 1697 and 1706, and even before this they had become very uncertain. French merchants from St Malo and from the West Indies therefore organised a coasting service, bringing goods not only to the staple ports, after the practice of Spain, but also direct to little towns along the coast.[4] The system was popular in the Indies, and very profitable to the French, but it roused jealousy in England, and henceforward we find English statesmen beginning to ask for "securities" from Spain for full opportunities for our commerce.

The year 1710 in England brought new men and new schemes. Harley and St John started a policy of peace, and covered the

[1] See Scelle, G., *La Traite négrière aux Indes de Castille*, I, 121–750 and II, *passim*.
[2] See Scelle, and also Dahlgren, chap. ii, pp. 42 seqq.
[3] See *Some Observations on the Asiento Trade*...(London, 1728). Cf. Brit. Mus., Add. MSS, 28140, "An Essay on the Nature and Methods of carrying on a Trade to the South Sea".
[4] See Dahlgren, bk II, *passim*, e.g. pp. 138–144; and Brit. Mus., Add. MSS, 28140.

abandonment of continental aims by the lure of commercial and colonial privileges; while Harley went further and planned at the same time to secure English trade and to re-establish English finances. At the end of 1710 he was enquiring from the Dutch how they could best oppose the growing French monopoly of Spanish trade, and at the beginning of the following year the South Sea Company was founded under his own presidency. In September the charter of incorporation was granted, and Queen Anne gave the Company a monopoly of South American trade south of the Orinoco on the east coast, and along the whole west coast; only Portuguese Brazil and Dutch Surinam were exempt, since there freedom of trade already existed. Upon the financial side, the scheme included the "satisfying" of public debts, by the funding of nine and a half millions of loan.

Meanwhile the terms of peace were being discussed with Louis XIV. The request for *sûretés réelles* for trade in the Spanish Indies as well as in the Mediterranean alarmed him; and if by this phrase was meant the cession to England of a port in the Indies, both Louis and Philip were exceedingly loath to grant it. In June 1711 the English requirements were defined. The English agents at Paris were instructed to ask for the Asiento and stations for the sale of negroes, an equivalent for any privileges granted to France, and four settlements in the Indies as security for trade. These terms were discussed at length in the following three months, and finally in September the English demands were again stated in what was said to be their final form: the Asiento for thirty years, exemption for English goods from the 15 per cent. duties charged on exports to the Indies, and lands for the refreshment of negroes in the neighbourhood of the River Plate. Louis thought that Spain would accept these terms. A year later, when Lord Lexington went to Madrid he was instructed to ask for them. He found, however, that the 15 per cent. exemption was impossible, unless it was granted to all nations. Lord Lexington himself was doubtful whether the concession was worth much and he thought it would be better to "stick to our clandestine trade, which by the Asiento we have entirely to ourselves,... and make it as difficult to others as we can".

In July 1711 an armistice had been arranged,[1] and it was clear that a final settlement was in sight. Until this should be reached, the terms of the armistice admitted English ships and goods to a free trade to Spanish ports, and this enabled the South Sea Company to fit out its first expedition. It had been prepared to take trade by force, but this was now no longer necessary, and all the support it needed was a convoy for the two vessels it had fitted out to trade in the Indies. Peace came before the ships sailed, and by its terms special licences were to be granted for these two ships. Finally after many difficulties, they set out in the spring of 1715.

[1] It was formally concluded in August 1711. P.R.O., St. Pap. For., Treaties, 70.

The terms of peace, in so far as they affected the trade to the Indies, were embodied in the Asiento treaty of 16/27 March 1714,[1] and by this England obtained all her demands, except the 15 per cent. remission, and a new privilege as well. This was the famous concession of the "annual ship". In order to compensate the South Sea Company for the losses which its predecessors suffered, and in consideration of an undertaking that it would not carry on any illicit trade, it might send each year a ship of 500 tons to trade to the Indies. The cargoes were to be sold only at the time of the annual fair, and not before the arrival of the *flota* and galleons. The goods were to be free of all duties in the Indies. The King of Spain was to have a quarter share in the vessel, and 5 per cent. of the profits on the remaining three-quarters. Harley had intended from the first that the whole concession should be granted to the South Sea Company, and finally in September 1714 the Company was offered and accepted the whole Asiento, save the quarter share of the King of Spain.

While these negotiations were being carried on, Committees of the Court of Directors had been investigating the methods by which the concession could be worked. The most difficult question was how to obtain the slaves. The Royal African Company still possessed chartered rights in the African trade, but the trade was in practice open, subject only to the payment of dues to the Company. Finally, in September 1713, a contract was agreed on with the Royal African Company, giving it a monopoly so long as it supplied the full number required.[2] The South Sea Company reserved the right to purchase direct in the West Indies, but it was not to buy there slaves imported after a fixed date. The negroes were to be fetched from the African coast in vessels supplied by the South Sea Company, the cargoes being provided by the Royal African Company. The time to be spent in loading the vessels was laid down, and the parts of the coast from which the negroes were to be obtained. The destination of the ships, when the cargoes of slaves were complete, was not prescribed in the charter, instructions on this head being sent to the commanders of the ships. Ships for Buenos Aires were usually instructed to go direct there, as there was no English colony near enough to be of value for refreshment of the negroes. Ships for the northern ports went to one of the English islands in the Caribbean, and commanders of ships were ordered to unload their cargoes there and leave the work of transport to the coasts of the Main to small sloops. By far the most convenient island for these purposes was Jamaica, and the greater number of the ships stopped there.

The system, however, did not work smoothly. The South Sea Company was far from popular in Jamaica, where the old irregular

[1] P.R.O., St. Pap. For., Treaties, 472.
[2] *Vide infra*, p. 449.

trade had been very profitable, and had contributed greatly to the maintenance of a sufficient white population. Now the interests of the island were damaged twice over, for in its early years the new system meant that only a small proportion of the slaves for the mainland was bought in the slave markets of the island, while at the same time the Company's conduct of trade threatened to increase the disproportion between blacks and whites. The Assembly of Jamaica recouped itself for these losses by imposing a heavy duty on the exportation of slaves. The duty was doubled for slaves exported by the South Sea Company,[1] on the ground that the Company did nothing to maintain internal defence. Furthermore the duty was payable on negroes brought in for refreshment only.

The South Sea Company thereupon appealed to the Crown, and was referred in the usual course from the Privy Council to the Board of Trade and Plantations. But redress was hard to get, all the more because the Assembly of Jamaica was in the midst of its long struggle with the Home Government, over the grant of a permanent revenue to the Crown. It was useless for the Crown through the Privy Council to disallow the Finance Act of the colony, since the Assembly annually re-enacted it. In 1718 an additional instruction was sent to the governor that he should not give assent to any tax which was applicable to negroes landed for refreshment. This safeguarded the Company until 1721, when the appointment of a new governor invalidated the additional instruction. A renewed protest was made, and finally in 1727 the matter was once more settled in favour of the Company. Henceforth there were no duties on negroes landed in Jamaica for refreshment only, and no differential duties on the negroes of the South Sea Company.[2]

The latter point was by this time the more important, for the South Sea Company was tending more and more to buy negroes in the islands. The contract of 1713 with the Royal African Company had proved a failure. There were, no doubt, faults on both sides, and certainly both made complaints. The South Sea Company said truly that the Royal African Company did not produce the full quota of slaves. The Royal African Company replied that there was unusual mortality on the voyages; the Spaniards were difficult to satisfy as to the quality of the slaves; and it was necessary to import twice the number required by the contract. Further, it had great dangers to encounter on the African coasts from the French and Dutch, and serious competition from the private traders. The result of these difficulties was a revision of the contract in 1721. The Royal African Company was henceforth required to bring only a part of the whole quota; the rest were supplied by the separate traders, or fetched by the

[1] Cf. the almost contemporary Deficiency Act. See Pitman, F. W., *The Development of the British West Indies*, 1700–1763, pp. 35–9.

[2] See *Journal of the Commissioners for Trade and Plantations*, 1722–8.

South Sea Company itself. This, again, was found unsatisfactory, and the Company was obliged to fill up the number by purchase in the islands. The court of Spain tried to obstruct them by asserting that this was a breach of the Asiento, but found it impossible to maintain this, and in 1729 abandoned the claim. The Company thereupon issued a notice that it proposed henceforth to buy its slaves in Jamaica.

The position of Jamaica as a centre of the slave trade gave it an important place in the Company's organisation.[1] Three agents were appointed to reside there in 1713, and considerable authority was delegated to them. They were to supervise the landing and sale of the negroes, and to control the Company's factors at the Spanish ports. An agent was appointed also at Barbados, but except for a short time, when the difficulties at Jamaica were at their height, the factory there was of minor importance. Upon the agents at Jamaica rested a large share of responsibility for the good conduct of the Company's trade. Second in importance were the factors at the Spanish ports of Vera Cruz, Cartagena, Panama and Buenos Aires. Six English factors at each port were to look after the Company's affairs. Subordinate factories, with four factors, were set up at Havana, Portobello and Caracas. The Company found great difficulty in controlling its representatives, especially at Buenos Aires. It was almost impossible in fact to prevent private interests and illicit enterprise from absorbing their attention. In 1729 a change in system was made, and the factors were paid by commission instead of by salary. Later, at Vera Cruz and Portobello the factories were abandoned, and a resident agent looked after the Company's affairs. Throughout the period, however, the Company was fully aware of the imperfect character of its control.

The Company's agents and factors in the islands were concerned mainly with the negro trade; but in England much of the attention of the Company was given to the supplementary privilege of the annual ship. The grant had been wrung from Spain by the demand for even greater concessions, and the exercise of the privilege was overhung from the beginning with suspicion. It had been a serious breach in the exclusive policy of Spain, and was looked upon as a pound of flesh whose taking might involve the destruction of Spanish commercial life. The history of the annual ship depends for its elucidation upon the general diplomatic relations between Spain and England, for cordial relations were essential to the smooth working of the concession and these were always lacking. In the whole of the thirty years of the concession there were only eight annual voyages.

The first annual ship—the *Royal Prince*—sailed in July 1717, with goods on board to the value of £256,858. 8*s*. 6*d*. The second—the

[1] See Batcheler, L. M., "The South Sea Company and the Asiento", an unpublished thesis in the Library of the University of London.

Royal George—was delayed until 1721 by the Anglo-Spanish war of 1718. The resumption of the exercise of its privileges came at the time when the Company was just recovering from the disasters of the Bubble crisis. A reorganisation of the Company had followed, but the changes in *personnel* left the system of trade unchanged. The next four years were the best period of the Company's trade. Thus the third annual voyage took place in 1723, and the fourth in 1724. The fifth annual voyage started in 1725, and the ship was the last to get through before a new Anglo-Spanish war made another break. A sixth voyage was rashly begun by the *Prince Frederick*, but when she reached Vera Cruz, she was forced to remain there until 1729.

The fall of Ripperdà in 1726 made a renewal of friendly relations possible. For the moment, it is true, the dominance of Königsegg was even more dangerous; but Patiño now came into office, and before long his devotion to the building up of Spanish trade and industry proved a great asset to England. Like Alberoni, Patiño hoped ultimately to make practicable a purely exclusive mercantile policy, but he saw that it was first necessary to build up Spanish industry, and in the interval his zeal for peace made him a friendly negotiator. In particular he maintained very good relations with Benjamin Keene, who, in his double position as English minister and Company's agent, was in charge of all the English interests at Madrid.

In spite of this growing friendliness it was long before the obstacles to peace were overcome. The war which broke out in February 1727 was ended by preliminaries of peace in August: but there was no return to peaceful trade. Even the Convention of the Pardo of March 1728 did not achieve this, and the discussions at the Congress of Soissons seemed likely to do no more. Finally, in November 1729 the Treaty of Seville promised the restoration of Anglo-Spanish trade to the position of 1725, and full restitution for seizures. The details of the Company's claims were to be settled by Commissaries at Madrid.[1] The discussions took two years, and meanwhile outrages in Spanish waters continued. This was the time of the episode of "Jenkins's Ear".

At last an agreement was reached. In 1731 the possibility of a Franco-Spanish alliance, which had encouraged Elizabeth Farnese to hopes of independence, seemed unlikely to materialise, and she had already lost Austria, who made peace with England in 1731. The court of Spain therefore adopted a more conciliatory attitude. In July, Spain acceded to the Anglo-Austrian treaty; and at the beginning of 1732 an agreement concerning relations in the Indies was signed. Orders were to be issued against depredations, the confiscated ships were to be freed, and the right of the Company to obtain slaves in British colonies was recognised. Elizabeth in fact was buying peace and acquiescence in her Italian ambitions by her

[1] See Brown, V., "The South Sea Company and Contraband Trade", *American Historical Review*, July 1926, pp. 662–78.

commercial complacency, while Austria was paying the same price for her dynastic interests. The English Company gained the benefit of these distractions. The seventh annual voyage was started by the *Prince William* just before the agreement was signed. In October 1732 Newcastle declared that British trade was less interrupted than for many years past. Advantage was taken of this lull when in 1733 the *Royal Caroline* set out on the last annual voyage.

It was impossible for the settlement to be more than temporary, for on neither side was there good-will. Spain, indeed, had to a large extent the whip hand. The concessions of the Asiento were a pound of flesh in more senses than one, since they could not be taken alone. It had been clear from the beginning that, if Spanish policy permitted it, she could make the whole grant of no effect. This was the lesson of the negotiations of 1713–16, and it was emphasised by the difficulties of the later period. The Asiento itself contained no stipulation as to the storage of goods, or the sale of goods or slaves inland. Yet without freedom to sell slaves inland from Buenos Aires, the trade there was bound to involve serious losses. In this as in many other minor points, the feasibility of the contract depended on a sympathetic interpretation of its clauses, and if this was lacking, the alternative was the unattractive one of extorting concessions by force. Not only did it involve a breach of the policy of peace, but from the standpoint of the Company it meant the certain seizure of its effects. The hostages held by Spain were too valuable to make the alternative popular. Good-will was no less necessary to settle the question of depredations. The *guarda-costas* still applied the old criterion of contraband trade, the presence on board of dye-woods, indigo, or Spanish dollars, although this had been invalidated long ago by the capture of Jamaica. In fact the rule was retained only because it made condemnation easy.

A review of the period leaves no doubt that, except when Spanish policy required it, the necessary liberality was absent. But Spain was only partly to blame for this. It is true that the whole concession was abhorrent to Spanish policy and that Spain welcomed any chance to whittle it away, but there was little inducement on the English side to any other attitude. The Asiento treaty had granted the permission to send the annual ship on the specific understanding that illicit trade should cease, but in reality the annual ship served to increase fraud; and after, as before the grant of the Asiento, colonial shipping abounded in Spanish waters, carrying on lawful or unlawful trade. The ships were subject to seizure, and the connivance of Spanish officials could not always be obtained. The influence of the Company's factors at the ports was a valuable asset, and the constant arrival of slave sloops made the detection of illicit trade difficult; but the annual ship afforded a useful alternative method. The first annual ship was accompanied by a sloop carrying provisions to Jamaica. On later voyages there were frequently more than one subsidiary vessel, and

they did not always stop at Jamaica. It was suspected, no doubt rightly, that goods were carried as well as provisions; and it is probably true that the annual ship was refilled secretly at night.[1] In any case Spain believed this and in 1732 the sub-governor of the South Sea Company feared enquiry sufficiently to prefer resignation. In fact the prevalence of illicit trade could not be denied; and British ministers were not prepared to take the prohibitive measures which had been demanded for the suppression of the French trade in 1717–18. Neither French nor Dutch traders suffered so severely from depredations as the English, since in their case legal and illegal enterprises could easily be distinguished. The Dutch interlopers were armed for an avowedly illicit traffic; and peaceful French traders gave bond that they would not trade in Spanish ports. The English representative in Spain rebutted a proposal that English merchantmen should do the same, by saying that this would not be "consistent with our Constitution, or with the sense of the trading part of our nation". So long as this attitude was maintained, indiscriminate reprisals were inevitable.

The final change from negotiation to war was due to the weakness of English diplomacy. It is true that at the critical moment, Spain had hopes of a French alliance, and England was stiffened by fear of it; but England's position was weak, and her conduct uncertain.[2] In the first place the South Sea Company was a constant stumbling-block. It had a special standing among the mercantile interests of the time, since it had direct relations with the court of Spain, and employed the English ambassador there as its agent. Moreover, at the time of the final negotiations, it both owed money to the King of Spain (on account of duties and profits) and was owed money by him (on account of seizures in the wars of 1718 and 1727). The special claims of the Company had postponed a settlement with Spain both in 1715 and in 1728. In the end they were to prove fatal. Secondly, the Cabinet was not unanimous, for Walpole was not content to leave the matter in the hands of Newcastle, who as Secretary of State was primarily responsible. He tended increasingly to supplement Newcastle's instructions to the English ambassador, Keene, by letters written by himself; and in England he as well as Newcastle negotiated with the Spanish representative, Geraldino. Newcastle was always more readily influenced than Walpole by the outcry of English interests, and the dual control was embarrassing to the policies of both. Thirdly, there was the underlying distaste in England for the obligations of the Asiento treaty. Its true meaning had never been accepted by our commercial class. Spain had, in effect, in the treaty bought English recognition of the Spanish

[1] See Brown, *ut cit.*

[2] See Temperley, H. W. V., "The Causes of the War of Jenkins' Ear", *Trans. Roy. Hist. Soc.* (1909), pp. 197–236.

policy of exclusiveness. England had accepted the bribe, but, like Bacon, thought it beneath her pride to be influenced by it. British merchants still held that the seas were free to all, and resented the Spanish exercise of a right of search to see that freedom was not abused. This is the explanation of Keene's reference to "our Constitution", and of the outcry of British merchants when peace seemed assured in 1738.

Before that time five years of negotiation had seen a series of proposals put forward only to fail. The first negotiations had been carried on at Madrid in 1732–4, and had been stultified by the open desire of Spain to terminate the whole Asiento concession. To this perhaps the Company would have agreed, given favourable terms; but in the eyes of the English ministry the proposal was coloured by rumours of a new *Pacte de famille*, and the promise of French participation in the trade. Moreover, the Company became involved at this time in a dispute with Spain over the rate of exchange; and it still further postponed agreement by refusing to produce its accounts for the last four years, which Spain required in order to estimate the value of the remainder of the concession. And when at last, in August 1736, an agreement was reached upon the questions of currency and seizures, Patiño's illness and death once more postponed peace: and incidentally ended the negotiations for the abandonment of the Asiento. It was not until June of the following year that Geraldino and a Committee of the Court of Directors agreed upon a "Plan" which covered all outstanding points of difference.

The "Plan" of 1737 was an affair of the South Sea Company, and before it was confirmed other interests intervened. The long period of negotiation had been a time of especial vigilance on the part of Spanish *guarda-costas*, and the tale of depredations was growing daily. Moreover the strength of Walpole's administration was waning, and the Opposition found a valuable catch-cry in the dangers to British shipping. Newcastle reflected the attitude of Parliament and the pamphleteers when he sent the new Spanish minister, La Quadra, a long memorandum on outrages. This was in November, only five months after Geraldino had approved the South Sea Company's "Plan." Keene was instructed to leave his negotiations for the ratification of the "Plan," and concentrate for the time on securing a favourable answer to the memorandum. The court of Spain found opportunity to delay both. The "Plan" was immediately set aside, and the memorandum was disposed of for the moment by a discovery that Newcastle had unfortunately cited the treaty of 1667 when he had meant that of 1670. The interval gave opportunity for further petitions to Parliament, and for the famous recital of his wrongs by Captain Jenkins on 17 March.

Moved by these assertions, the Commons passed a resolution which reflected accurately the claims of the merchant class and the feeling

of the nation: "It was the undoubted right of British subjects to sail their ships in any part of the seas of America", and the ministry was exhorted to take action to enforce this right. The ministry fell into line by sending Admiral Haddock in June to cruise in the Mediterranean. So strong was public feeling that the news of a settlement with Spain in August was greeted with more suspicion than rejoicing. The settlement was largely the work of Walpole, co-operating with Geraldino, now Spanish ambassador. After much discussion it was agreed that the sum of £95,000 should be paid by Spain, as representing the balance of Spanish depredations over those committed by England. This La Quadra approved, and the "Convention Treaty" was accordingly ratified.[1]

The South Sea Company did much to make the Convention a failure, by refusing co-operation, for it would accept no liability unless the whole of the "Plan" were ratified. Its action was reinforced by the outcry of the merchants. The Convention gave it the practical benefit of compensation; it did not give it a *Magna Carta* of commercial freedom. It complained that its rights of navigation had not been recognised: these should have been stated "so plain that every country gentleman and every Spanish Governor could understand". The Opposition therefore condemned it. The last blow came from within the ministry itself, for secret news from Paris and Madrid roused fears of a Franco-Spanish treaty. This was in February. In March a draft of a proposed *Pacte de famille* was sent over from a secret source in France. The ministry replied by countermanding their previous orders to Admiral Haddock, and telling him to remain in the Mediterranean. It is hard to decide whether these orders, or the attitude of the South Sea Company, was the more responsible for the change in the tone of the Spanish court. Keene was instructed to deny the despatch of the counter-orders, but he deceived no one. In April the South Sea Company again insisted on its refusal to discuss any terms but those of the "Plan". In May Spain replied by suspending the Asiento. In June the English ministry was definitely informed that there was no hope of the payment of the sum proposed by Spain as compensation so long as Haddock remained in the Mediterranean. By this time the four months allowed for payment had lapsed, and the "Convention Treaty" was therefore definitely broken. After this the outbreak of war was only a matter of time. Newcastle, it was certain, would never resist the widespread demand for justice by the sword, and Walpole could not hold out against the united pressure of Parliament, the pamphleteers and his own colleagues. In October war was declared.

Other factors besides those concerned with the trade of the Indies made for war. There had long been disputes over the boundaries of

[1] See anonymous pamphlet *History of the Convention Treaty* (London, 1739). Cf. Hertz, G. B., *British Imperialism of the Eighteenth Century*, chap. ii, "The War Fever of 1739".

Georgia and Carolina, and the right to cut logwood in Campeachy Bay. But the question of the American trade was the most important, and it is safe to say that without it there would have been no war. The trade in these parts was, justly, therefore, the most severely affected by the war. In particular the South Sea Company never again exercised its monopoly. The *Royal Caroline* of 1733 was the last annual ship: the negro trade ceased in 1739. This result was partly an accident, for it seemed at first that the war would soon be over. The initial success of Vernon at Portobello was not maintained, in spite of the reinforcements sent to him. The expedition of Anson into the Pacific revived the tradition of Dampier, Woodes Rogers and Narborough, but led to no great victory.

On the Spanish side too, the war brought little compensation, for Spain was disappointed in 1739 of her expectation of immediate help from France. Fleury loved peace far more than he did Elizabeth, and nothing but actual seizure of territory by England in the Indies would have brought France to the help of Spain. France seems to have learned the lesson of England's experience with the Asiento, and she did not want it herself. If Spain exercised it, she might gain much of its profits. As things were she had nearly a half share in Spanish cargoes to the Indies. So she left Spain to protect her own interests. But in October 1740 Charles VI of Austria died, and in the general war that followed France and Spain became allies, and other interests outweighed the question of American trade.

Negotiations for peace began in 1747 and ended in October of the following year. By the terms of the settlement, the Asiento was renewed for four years, the English demand for seven being defeated. But no mention was made of the claims of the South Sea Company against the court of Spain, and the commercial treaty of 1715 was not among those confirmed. Immediately negotiations were opened for some compensation to the Company, and to secure the removal of the prohibitive duties on English goods which were now imposed by Spain. The Company in fact did not want to re-open trade; and finally it was agreed by the commercial treaty of 1750 that all claims under the Asiento treaty were to be surrendered in return for a payment of £100,000.[1] Spain undertook at the same time that duties on English goods should not be higher than they were under Charles II. Thus the Company ceased to trade, although its monopoly continued until 1815, and the Company itself until 1856. All that remained of English trade in the Spanish Indies was the illicit trade from the islands, now no longer hidden by the Asiento, and the indirect trade through Spain. Both had lost ground since the grant of 1713.

[1] P.R.O., St. Pap. For., Treaties, 513. "Treaty between Great Britain and Spain as to the equivalent of the Asiento contract", $\frac{24 \text{ Sept.}}{5 \text{ Oct.}}$ 1750.

The issue of the conflict showed the measure of the English mistake in 1713. The French had neither the Asiento, nor the privilege of the "annual ship", and they had little opportunity for illicit trade; yet their share in the trade to the Indies gained rapidly upon that of England. They were thrown back by the English gains of 1713 on the earlier methods of participation in the trade, the consignment of goods to Spanish merchants for re-export in the Spanish fleets. Their share steadily increased in the eighteenth century, and its growth was favoured by the political relations between the two countries.

The loss to the British West Indies was considerable. Already by the middle of the eighteenth century the possibility of recovering the wealth of a hundred years before had practically disappeared. The decline in the Spanish trade meant continual difficulties of exchange and currency, and many branches of trade suffered as a result. In the view of contemporary merchants and statesmen, the shortage of bullion ranked with the decline in profits of the sugar industry as a cause of eighteenth-century distress. The planters saw their remedy in new experiments in illicit trade; but difficulties were increased by the changes in British policy of the years 1764–6. In 1764 Grenville's administration issued special instructions through the Commissioners of the Customs for the seizure of all foreign vessels found in West Indian ports. Burke reversed this policy in 1765 by the grant of special privileges for Spanish ships, and went further in 1766, when the first Free Port Act[1] opened certain ports to foreign shipping. But his efforts were too late, Spanish hostility was roused, and the result was negligible.

The greed of the English merchants had been fatal throughout to the interests of the islands, for at their dictation, the solid profits of trade had been thrown away, in a false hope of gaining easy riches. The West Indies never had as good a chance of recovery. Burke's Act synchronised with the outburst of American discontent, and the interruption in American trade had results which long survived the period of the war.

In 1763, however, the decline of the West Indies was not yet apparent, and the wealth of West Indian merchants and absentees still maintained the islands in their high estimation at home. But in fact their prosperity had been undermined. They now had only one string to their bow—the English sugar trade, and this too was soon to be broken. The war with America, the whittling away of their colonial preference and finally the anti-slavery movement were all to strike at it in turn. The brilliant early prosperity of the islands had passed, and in reality, the tale of misfortune had started which forms the history of the West Indies in the succeeding century.

[1] See Burke, E., *A Short Account of a late short Administration*, 1766.

CHAPTER XII

RIVALRY FOR COLONIAL POWER, 1714–1748

THE half century which followed the Peace of Utrecht comprised two further rounds in the struggle between France and Britain. At Utrecht the British Empire had been expanded as well as saved. At Aix-la-Chapelle (1748) its natural progress during a generation was at least temporarily secured. At Paris (1763) its aggrandisement and primacy in the world were triumphantly achieved. This was the joint accomplishment of two men above all others, of Robert Walpole and the elder Pitt. Seldom can two contemporaries whose work was thus complementary have presented to their own age and to posterity a sharper contrast. The massive squire and the frail recluse, the party manager and the idealist, the statesman who feared public opinion and the orator who courted it, the minister who hated to look beyond this island, and the apostle of world dominion, they might seem as opposed in policy and principles as in their personality and fortunes. Pitt's noble helpmeet thought his nature some emanation of the All-Beauteous Mind,[1] while Walpole turned for companionship to a Maria Skeritt. In rousing men from materialism, Pitt was the Whitefield, if not the Wesley, of politics; whereas Walpole could be satirised as designing to transfer the *not* from the commandments to the creed.[2] Pitt in his haste denounced Walpole as the embodiment of evil,[3] yet without Walpole he would himself have been as nothing. The creed "I believe that I can save this nation and that no one else can", came from Pitt, the practice came equally from Walpole. Johnson styled Pitt a meteor, Walpole, a fixed star,[4] and after six generations, Walpole seems the mountain mass, Pitt, the crag that crowns its summit. Pitt inspired the nation, but without Walpole the nation might well have been incapable of evoking or of answering his appeal.

Neither Walpole nor Pitt, however, guided Britain as a Peter guided Russia or even as a Belleisle guided France. The Revolution which had made our policy cease to be dynastic had by no means made it ministerial. Ministers, as the age of Walpole and his successors was to prove, could control the king, but they could not in the long run control the nation. There was in Britain a national limitation upon policy which, like much else, foreigners found it hard to understand. A king of England, held Choiseul, could dishonour himself without tarnishing the lustre of the nation; a king of France

[1] Edwards, E. A., *The love-letters of William Pitt, first Lord Chatham*, p. 112.
[2] Aubrey, W. H. S., *The rise and growth of the English nation*, I, 163.
[3] Cf. Thackeray, F., *A history of the Earl of Chatham* (London, 1827), I, 41 seqq.
[4] Boswell, J., *Life of Johnson* (ed. G. B. Hill), I, 131.

could not.[1] Britain, now a united island, traditionally supreme at sea, speaking a language of her own and worshipping in a Church which she shared with no foreign people, differed fundamentally from continental States. The English, thought Voltaire, were the only people upon earth who had been able to prescribe limits to the power of kings by resisting them, and who had established that wise government where the prince was all-powerful to do good, yet restrained from committing evil, the nobles great without insolence, and the people sharers in the government without confusion.[2] In the English population of some 5,000,000, indeed, it was reckoned that besides the 1600 persons of title there were some 15,000 gentry, 30,000 clergy, lawyers and merchants, and more than 300,000 freeholders and farmers, all authorised defenders of their liberty.[3] That liberty already included much that nations not so blest as we must gain in later centuries, if at all—the rule of law, judicial independence, ministerial responsibility, popular control of taxation, and the like. Constitutional monarchy or still wider freedoms were already enjoyed, though precariously, by a few States of small consequence, such as the United Netherlands, Switzerland, Venice and Poland. Sweden, oscillating between autocracy and aristocratic anarchy, was on the way to debating whether the king had or had not the right to veto the use of his name-stamp for royal proclamations of which he disapproved.[4] But the prevailing continental type was that made classic by Louis XIV and destined for many decades after his death rather to increase than to decline in influence. "Papa", wrote[5] an Irish girl in 1764, "is as absolute as the king of France", a monarch whose words were actually law, who could impose a peace, suspend a debt, imprison a transgressor, and ruin or create an industry.[6] Short of such brutal violations of purse, family or conscience as made obedience intolerable, a monarch of that type could shape national policy as he or as those moving him might please.

British policy, on the other hand, must be national, that is, must be shown by British kings or statesmen to conduce to the safety and enrichment of the nation which had given them a temporary and restricted power to rule.[7] Violation of this principle would provoke adverse divisions, refusal of supplies, and loss of elections, with impeachment and even change of dynasty in reserve. In 1714, and for forty years thereafter, such national British policy comprised three main aims: (1) To defend the Protestant Succession was to maintain the foundation of British liberty both in domestic and in foreign

[1] *Mémoires du Duc de Choiseul*, 1719–85, p. 136.
[2] *Letters concerning the English nation by Mr de Voltaire* (London, 1733), p. 53.
[3] Robertson, J. M., *Bolingbroke and Walpole*, p. 223.
[4] Hildebrand, E., *Sveriges historia intill tiugonde seklet* (Stockholm, 1903), VII, 325.
[5] Or is said to have written. Knox, C., *The diary of a young lady of fashion in the year 1764–1765*, p. 104.
[6] Belloc, H., *Marie Antoinette*, p. 41.
[7] Seeley, Sir J. R., *The growth of British policy*, *passim*.

affairs. A dynasty selected by the people could hardly claim to dispose of them by right divine, nor could heretic rulers import the interference of the Roman Church. (2) To develop commerce, defending, if need be, the commercial monopolies that Britain had secured, was to strengthen the Crown, both by increasing revenue and by lessening opposition. "Discontent and disaffection", as Walpole phrased it, "are like wit and madness, they are separated by thin partitions",[1] and no Chancellor of the Exchequer ever knew better that with the wealthy it is always well. "Trade", he wrote, "is the main riches of the nation and enhances the value of our land."[2] "When trade is at stake", echoed Pitt, "you must defend it or perish."[3] Trade and its offspring luxury, the novelty of the last century, had become the necessity of the present and were on their way to be the sacred birthright of the next. (3) Both the dominant need of securing the Protestant Succession and the vital interest of commerce to Britain inevitably prevented her colonial ambitions from rising higher than third among her aims. To the elder Horace Walpole, the colonies seemed "the greatest sources of our riches",[4] and the Government sluggish in their defence. "For God's sake think of the West Indies", he wrote to Robert in 1735. "I have hitherto preached in vain; but any misfortune there will hurt you more than any other thing in the world."[5] But although it might be true that the Plantations preserved the balance of trade in our favour, that we gained a million sterling by them, exclusive of the trade for negroes or for dry goods with the Spaniards in the West Indies, and that 18,000 seamen and fishermen were employed there,[6] none the less it was impossible to counter in America that threat to our security that might at any moment render vain all colonies or statistics. Britain could not be easy until the Stuart menace was dissolved, and ten years after Horace Walpole's appeal, the Bank of England was driven to pay in sixpences by the advent of a Stuart prince at Derby.

The degree of Britain's peril from the exiled house can never be precisely known, but of its reality there can be no doubt. In 1715 "the confidence of their numbers encouraged them to enter into the rebellion upon their own bottom, destitute of all succours from abroad".[7] The French were at that time betting that in the classic country of insurrection the Pretender would be king within a year.[8] Two years later, when Jacobite hopes centred in Sweden, the Swedish ambassador to Britain described her as a country where nine out of

[1] Coxe, W., *Memoirs of the life and administration of Sir Robert Walpole*, I, 562.
[2] Walpole, R., *Cautions to those who are to chuse members to serve in Parliament* (London, 1714), p. 22.
[3] Charteris, Hon. E., *William Augustus, Duke of Cumberland*, p. 69.
[4] Coxe, W., *Walpole*, III, 182.
[5] *Ibid.* 243.
[6] Cf. Anderson, *Origin of Commerce*, III, 173.
[7] Townshend to Bernstorff, May 1716 in Coxe, *Walpole*, II, 52.
[8] Wiesener, L., *Le Régent, l'abbé Dubois et les Anglais*, p. 28.

every ten were rebels.[1] The public Guelph dissensions, for "it ran a little in the blood of the family to hate the eldest son",[2] could not fail to gild the memory of a dignified and kindly royal line.

> God grant the land may profit reap
> From all this silly pother,
> And send these fools may ne'er agree
> Till they are at Han-over[3]

was the sentiment of many—of how many Walpole could never be quite sure. They were enough, however, to make almost the whole art of government consist in the endeavour to reduce their number. As late as 1738, Yorke, the sagacious lawyer, would not have the army reduced lest they should rise.[4] The clergy, sneered Lord Hervey, who had been paid for preaching up divine right, were now paid for preaching it down.[5] Statesmen who despised clerical prejudices did not dare to interfere. In 1718, indeed, the Occasional Conformity Act and the Schism Act were repealed, but the Test Act was maintained. Every domestic upheaval and every threat of continental war made the Government tremble. Still more alarming was the possibility that a Stuart heir would adopt the national faith and make loyalty irresistible. When the South Sea Bubble burst, the Speaker declared that if the Pretender had then appeared he might have ridden to St James's.[6] For a whole year the Habeas Corpus Act was in suspense. In 1722, the King's departure was prevented by the plot which involved the fall of Bishop Atterbury, and in which Spain was implicated. Almost every year, indeed, some outbreak of opinion or of force reminded George I and his minister of the fissure in the foundations of the throne. Every year, it is true, also did something to cement it over. As more of the people stood to lose by change, as the hot-heads of the 'Fifteen aged into prudent family men, as a generation grew up to which Guelph kings were the natural order and the Stuarts dubious exotics, so the harvest of the "Glorious Revolution" ripened, and Britain developed from a loyalistic into a modern patriotic State. Yet in 1733 the failure of the Excise bill brought many gownsmen into the streets of Oxford crying, "King James for ever".[7] After Culloden (1746) the royal victor, leaving a country which to the English seemed as remote as Norway, trembled, as he declared, "for fear that this vile spot may still be the ruin of this island and of our family".[8] Not until France had sacrificed the Pretender at Aix-la-Chapelle (1748) could the Government afford to despise the Stuarts or Pitt approach his task freed from the burden

[1] Chance, J. F., *George I and the Northern War*, p. 169.
[2] Walpole, H., *Memoirs of the reign of King George II*, I, 72.
[3] Wilkins, W. H., *Caroline the illustrious*, p. 235.
[4] Yorke, P. C., *Life and Correspondence of Philip Yorke, Earl of Hardwicke*, I, 184.
[5] Hervey, John, Lord, *Memoirs of the reign of George II*, I, 7.
[6] Charteris, *Cumberland*, p. 8.
[7] Coxe, *Walpole*, III, 137.
[8] Charteris, *Cumberland*, pp. 288 and 147.

which had always crippled Walpole. For a full generation after Utrecht the Stuarts had forced posterity to trace the history of the British Empire rather in the rivalries and intrigues of Europe than across the seas. If during that time British statesmen were ready to surrender the most splendid acquisition in the New World for some mediocre stronghold or concession in the Old it was due to the sound instinct of a builder that without secure foundations the noblest façade will collapse.

Through all these years, moreover, and indeed so long as George II remained alive, Britain had borne another burden which often rendered her course incalculable and sometimes perilous—that of her union with Hanover. But for the Act of Settlement, the connection of Britain with this haughty and ambitious North German house would have been but slight. Normally, such commerce as might pass through Stade, perhaps a treaty for the hire of Electoral troops, possibly some co-operation based on common Protestantism, or on common disposition to unite with the Emperor, not inconceivably a relationship arising from the Guelph rivalry with the Hohenzollerns of Berlin—such were the points of contact that might have been expected, had not the mother of Elector George chanced to be the granddaughter of James I and a Lutheran. Hence it came about that, in 1714, a veteran warrior of fifty-four, accustomed for sixteen years to the unquestioning obedience of his Hanoverians, ascended the uneasy throne of Britain.[1] Family pride, financial profit, a sense of duty to his dynasty and to Europe forbade him to decline or later to desert his post. He frustrated the hopes of those Hanoverians who thought that their country was annexing England: he left domestic matters in British hands: in his last days he chose an English mistress. But neither he nor his son could fail to be aware that the shepherds of Hanover were in Britain hireling kings. Here their only comfortable hours were those passed punctually with a German mistress, and their unvarying feelings were those of the royal observation to Queen Caroline in 1736, "the devil take the Parliament, and the devil take the whole island, provided I can get out of it and go to Hanover".[2] The first Georges could indeed hardly be blamed for their failure to admire, or even to understand, our nascent constitution. Thanks to our party system, the long war in which we had led the Grand Alliance, Elector George included, to victory over France, had left the French dynasty, in the words of a papal legate, "superior to the state in which it had been in the time of Charlemagne".[3] George, as he assured a timid mistress, had all the king-killers in England on his side,[4] and he took care to choose their more moderate men for office and to avoid needless offence to their opponents. To a Han-

[1] Cf. Ward, Sir A. W., *Great Britain and Hanover*, p. 81 and *passim*.
[2] Wilkins, p. 565.
[3] Head, F. W., *The Fallen Stuarts*, p. 159.
[4] Wilkins, p. 110.

overian, moreover, there was nothing strange in a small band of noble families monopolising the ministry and controlling the Estates.[1] But that a particular brand of Whig, a mere temporary majority within a temporary oligarchy, should be able to designate his ministers and to prevent him from governing the country as he pleased, still more, that this should be done by votes in a packed Parliament and by a man who disclaimed the title of Premier and approached him as deferentially as any Hanoverian—all this was as unintelligible as it was unpleasing to a military German prince. Yet, however complete his submission to a system which he could not change, his personality and his kingship were bound to count for something in a still monarchic age. Walpole, a trusty servant who, George I declared, had never had his equal in business,[2] thought that only the King's death had shielded him against Bolingbroke, who had paid the Duchess of Kendal a sufficient sum.[3] "While Britain dared France", said Chesterfield, "the monarch trembled for his Hanover", and it was true. Throughout the reigns of the first two Georges, the fact that the same man was King and Elector profoundly and constantly affected Britain. It is true that Bernstorff's attempt to govern her was soon repulsed,[4] and that George II was absent from his kingdom for barely one month in the year. Britain, moreover, could bear the cost of satisfying Hanoverian rapacity; it was convenient to hire Hanoverians for her defence; while it was perhaps not unfortunate that a monarch whose presence she desired without his interference should have Hanoverian matters with which to occupy his mind. But the Hanoverian connection warped the King's choice of British ministers, delayed British business, and far less often helped than hindered British aims. When the ministers of George the King were not on speaking terms with those of George the Elector, when the elector was giving secret verbal promises to foreign Powers for fear of Parliament which would have disapproved,[5] when the treaties or wars necessary to Britain were jeopardised by subterranean workings on behalf of Hanover, then the constant disorder of our policy from this cause merely entered upon a phase more than usually acute. In steering her way to safety and riches after Utrecht, Britain, already distracted by her parties, found in Hanover a new and incalculable disturbing force. Her thoughts and energies were drawn thither instead of following their natural course across the ocean.

The currents of post-Utrecht politics were baffling enough without such further complication. Although the major wars, those of the Spanish and of the Polish Succession, lay two decades apart, an interval scarcely precedented since the Reformation, the minor wars were so

[1] Friis, Aage, *Bernstorfferne og Danmark* (København, 1903), I, 299.
[2] Coxe, *Walpole*, I, 184.
[3] *Ibid.* II, 344.
[4] Imbert-Terry, Sir H. M., *A constitutional King, George I*, p. 301; Ward, pp. 73 seqq.
[5] *Ibid.* p. 80 and *passim.*

numerous and the expectations of general strife so keen that within five years of the peace Europe seems to be in a state of "universal combustion".[1] A quarter of a century of struggling against Louis XIV had indeed brought some questions nearer to solution. Whatever the power of France might be or might become, the peculiar claim of her King to general dictatorship had been refuted. The European equilibrium, though dear to Chauvelin and others "as being subject to so many different interpretations as may...prevent any action at all",[2] embodies none the less an idea which was indispensable to the progress of States. A mechanical balance of power, it was true, helped rather to adjust the terms on which wars ended than to prevent them from breaking out, and the wars against Louis XIV had produced no panacea against a repetition. But they had removed the probability though not the apprehension of a new general war about religion, always since Luther the most fertile source of strife. "God can protect his own cause in the middle of a thousand errors, and variety of heresies will but give our churchmen a more ample field"[3]—this was a doctrine convenient to the cynical deists who came to rule in many lands. In many lands besides France, however, "the church was the society",[4] and policy could not remain unaffected by religion. If their expectations were less precise than those, based on Daniel and Revelation, which led the Bishop of Worcester to stake his bishopric in 1712 on Armageddon in 1716,[5] statesmen had none the less to reckon with the force of religious antipathies when they framed alliances and contemplated wars. The equilibrium of Europe tottered because Prussia would take vengeance on her own Catholics for wrongs done to Protestants elsewhere, because Protestant princes aimed at choosing a Protestant emperor or at forming a Protestant fleet, because the Catholic emperor had qualms about supporting the Guelphs against the Stuarts or even, on occasion, against the Bourbons, his co-religionists although of old his foes. Even the deist Frederick used his official Protestantism to veil his robbery of a Catholic Queen (1740), and, fifteen years later, she won the alliance of his French accomplice largely on religious grounds. Religion, while it did not prevent the Most Christian King from association with the Turks, the Russians, the Prussians or the Barbary States, always imported into mixed alliances an unstable strain and complicated an already complex Europe.

The peculiar and striking complexity of European politics after Utrecht may be ascribed to many causes other than the waning factor of religion and exhaustion after a quarter of a century of war.

[1] *The history of Cardinal Alberoni from his birth to the year* 1719 (London, 1719), p. 82.
[2] Horace Walpole the elder, cit. Williams, B., *E.H.R.* XVI, 443.
[3] Davenant, C., *Political and commercial works*, I, 75.
[4] Morley, J., *Voltaire* (edition 1872), p. 332.
[5] Swift, J., *Journal to Stella*, 1 July 1712.

It chanced that in an age when princes governed, often through ministers who were not even their subjects, an extraordinary number of States owed obedience to rulers of foreign birth or imbued with foreign ideas. Others were the tools of powerful allies. Prussia and the dominions of Savoy form almost the sole exceptions to a condition which, while it lasted, rendered Europe more than ever subject to the whims of a few high-placed men and women. Spain under Alberoni was governed in part by a Bourbon King, in greater part by a Parmesan Queen, most of all by the son of an Italian gardener who remained the envoy of the Duke of Parma, while each of the three strove for ends which were not those of the Spanish nation. Princes and even ministers have often found nothing so interesting or exciting as war,[1] and war was rendered fatally easy by the code which then controlled it. All Europe, Germany most of all, lay open to the recruiting sergeant of every prince. Troops levied by one might pass by treaty on the outbreak of war to the control of another without valid complaint by the third against whom they took the field. The spirit of the best of such levies may have been that of the Scotch recruit who was questioned as to his reasons for venturing his life for the Pragmatic Sanction. "They tell me...to fight, and egad! I'll down with them an' I can." "But for whom do you fight?" "Nay, nay, that I can't tell, but 'tis for some damned queen or another."[2] Others went of their own motion "to fight the foreign loons in their ain countree", and the departure of some of these was accounted a useful vent for dangerous elements of the population. Some princes were forced to make war to find employment for their armies, while others thought it cheaper to support them abroad than at home. To win a victory was not seldom to secure the willing enlistment of hundreds from the ranks of the defeated, while a difficult retreat might cost a leader half his mercenary force. A hundred motives impelled selfish princes to make war, and few beyond empty war-chests told on the side of peace.

To this explosive atmosphere was applied spark after spark arising from disputed questions of succession. The Spanish Succession had by no means received its final settlement at Utrecht. The rulers of Madrid and the rulers of Vienna would find many fresh disputes concerning title, in Italy above all else. The accession of the child Louis XV (1715) raised a question of the French Succession which swayed the politics of Europe for no less than fourteen years. Until 1748 at least, the British Succession could hardly be regarded as secure. The Polish Succession convulsed Europe in 1733; the Austrian, in 1740. These questions and many more had to be decided by a Europe which was changing fast, and which looked in vain to its familiar

[1] E.g. the King of the Belgians to Queen Victoria, 4 Feb. 1853, in *Letters of Queen Victoria.*

[2] Cf. Charteris, *Cumberland*, p. 119.

guides. For many years the Paris of Louis XIV and the Hague of his opponents had formed confronting capitals, and Britain had cemented the coalition. Now a novel uncertainty prevailed in France: the Whigs, save when they spoke with the accent of Hanover, had turned from war to peace; the Dutch computed that with another league and another war their trade would shrink to their meadows.[1] Sweden was tottering; Spain, showing an unwonted vigour; Prussia, under the strange guidance of a new King, was multiplying armaments; above all, Russia under Peter was thrusting herself into Europe. Estimates not only of what was wise but of what was possible differed almost beyond belief. Some wiseacres saw in Russia a northern star which, rightly used, might preserve the liberties of Europe.[2] Horace Walpole reckoned France as the equal of the Sea Powers and Austria combined,[3] while a French statesman held that Spain and the Emperor were great Powers but England no more than second-rate.[4] Among his British contemporaries some were ready to share his estimate of their country, while Pitt could rally the nation to an overweening self-regard and to an energy which made it invincible. A cynic surveying Europe, indeed, might declare that the only constant forces were the hereditary hatreds between State and State. Gulliver proudly proclaimed our noble country the scourge of France.[5] Danes and Swedes preferred the advent of the Muscovite to union. Portugal, regardless of the future, welcomed an opportunity to injure Spain. The Italians hated all foreigners, the Germans above the rest. Prussia and Hanover, Prussia and Saxony, Prussia and Austria were normally at bitter feud. The French submitted in most matters to their King, but they would not endorse an alliance with the Habsburgs. So deeply did such antipathies enter into the European system that hints at a *rapprochement* between two traditional enemies sounded like blasphemy and anarchy in the ears of other Powers.

In such a Europe, Britain, with Hanover bound round her neck, must strive for wealth and safety. Her position in the world now far surpassed what her acreage or her numbers seemed to warrant. "Posterity", thought Voltaire in the 'twenties, "will very possibly be surprised to hear that an island whose only produce is a little lead, tin, fuller's earth and coarse wool should become so powerful by its commerce as to...send...three fleets at the same time to three different...parts of the globe."[6] The last war had produced a favourable trade-balance of nearly £3,000,000 yearly, and had enabled Britain to wrest more industries and markets from the French.[7] But

[1] Wiesener, L., *Le Régent*, p. 215.
[2] Walpole, H., *Memoirs of the reign of King George II*, II, 134.
[3] Cf. Wiesener, p. 93.
[4] Vaucher, P., *Robert Walpole et la politique de Fleury*, 1731–1742, p. 149.
[5] Swift, J., *Works* (London, 1801), VI, 115.
[6] *Letters concerning the English nation*, p. 69.
[7] Anderson, III, 49, 56.

in the long run, commerce must depend upon international good-will, and this necessity, as well as the Stuart threat, spoke strongly for a policy of peace. Even if peace could be preserved, a Power which had so recently deserted its allies and passed its rivals would find it difficult enough to secure their good-will, in an age in which Colbert's truculent temper still prevailed. In any event elementary prudence dictated that Britain should keep up her fleet. To build ships was not difficult, but sources of naval stores must be kept open, and Baltic questions therefore assumed a large importance.[1] If war threatened, the problem of naval man-power would become acute. It might be solved for a time by impressing the crews of merchantmen, but inevitably commerce would thereby be partially suspended. Since the profit from a British stoppage must fall to the Dutch, it became a canon of British policy to embark on no adventure from which the Dutch refrained. Timid as were the Dutch, however, they realised that no Power could harm them more than Britain, and that none had a greater interest in defending the Austrian Netherlands, the bulwark of both nations against France. These considerations made the decision of a sluggish, suspicious and divided federation fall usually in favour of the British cause, and gave some countenance to the comparison of Holland to a cockboat in the wake of Britain. But the Dutch were nothing less than warlike, and the peril of Britain demanded readiness for war. To avert it, and to gain her other ends, she needed the alliance of some great continental Power.

The Power that could help her most directly was beyond all question Spain, for Spain owned the lands with which Britain most desired to trade. By sea Spain could be a useful auxiliary; her strategic position was important; her army had ceased to be contemptible; the precious metals were in her gift; she stood committed to no alliance. "I could have war with France in twenty-four hours," said Stanhope, "but a war with Spain would cost me my head."[2] From Spain, moreover, came voices breathing an unwonted liberality. "God", it was said, "has committed the Indies to the trust of the Spaniards that all nations might partake of the riches of that new world; it is even necessary that all Europe should contribute towards supplying...that vast empire with their manufactures and their merchandizes."[3] Frank alliance with Spain, however, was impossible so long as Gibraltar and Minorca remained in British hands. The pride, the slowness and the fanaticism of the Spaniards, moreover, had survived their change of dynasty. Even their Bourbon King was heard to assure his Queen that one of his first acts as King of France would be to drive the Jansenists out of the country.[4] Above all, in

[1] Cf. Albion, R. G., *Forests and Sea Power*, pp. viii seqq.
[2] Cf. Robertson, C. G., *England under the Hanoverians*, p. 11.
[3] Monteleone to Craggs, cit. *History of Alberoni* (1719), p. 174.
[4] Williams, B., "The foreign policy of Walpole", *E.H.R.* XVI, 324, citing Keene's despatch.

defiance of compacts, for many years after the death of Louis XIV (1 September 1715), this same Philip V was a potential pretender to the throne of France, while the Emperor regarded him as an actual pretender to the throne of Spain. The Spanish alliance could, therefore, offer no guarantee of international good-will, nor could it furnish a sure shield against the Stuart threat to Britain.

The Emperor, now the slow, proud, obstinate, orthodox Habsburg Charles VI, with Eugène as his right-hand man, represented our traditional counterweight to France. His commercial interests nowhere clashed with ours, unless, as some experiments already hinted,[1] his new domain in the Netherlands might tempt him towards commerce overseas. Apart from such plans, his dominion over Italy might be expected to further our Mediterranean trade, while our security depended in no small degree upon that of Antwerp and the Belgian coast. Of soldiers he had only too many, and his difficulty in maintaining them British gold could solve. "The old system", leaguing the Sea Powers, the Emperor and their clients, therefore, still had much to recommend it, provided that Britain and not Britain-Hanover determined its policy, and provided that the latent enemy of all its members continued to be found in France. In 1716 by the Treaty of Westminster, therefore, we covenanted with the Emperor for mutual defence.

But must France remain our enemy? "I will always traverse the views of France," ran Carteret's creed, "for France will ruin this nation if it can."[2] The words of a less literate peer, "I hate the French, and I hope as we shall beat the French",[3] like Pitt's computation that our gains were multiplied fourfold by their injury to France,[4] breathed the feeling which, regardless of the close Franco-British intellectual co-operation, pervaded Britain during the whole of the eighteenth century and was warmly reciprocated across the Channel. In a monarchic age, however, a union of hearts might be dispensed with as the concomitant of a political alliance. Even granting that the permanent interests of France and Britain—prestige, industry, commerce, colonies, the lordship of the Low Countries, the ascendancy in Spain and Italy—even if all these clashed, might not a temporary *entente* be to their mutual advantage? The answer depended upon the view taken by the French ruler. To Britain, provided that the balance of power were not permanently overthrown, the advantages of working for a time with France were clear. France alone could cripple the Pretender, as perhaps she alone could make him really dangerous. This by itself was enough to outweigh all adverse considerations. But France was a great customer of Britain,

[1] About 1714, with interloping ships from England and Holland. Cf. Anderson, III, 62.
[2] Williams, B., *Life of Pitt*, p. 99.
[3] Hervey, *Memoirs*, I, 42.
[4] Hotblack, K, *Chatham's Colonial Policy*, p. 68.

and a dangerous commercial rival, to be handled, if possible, in like manner with the Dutch. Her influence abroad, notably in the Levant, her unsurpassed diplomacy, her unrivalled army—from all of these her ally might look for help. Surprises were the less likely that the old French hostility against Austria, "the poisoner of the Latin races",[1] remained unabated, while her old hostility against Spain was revived in the breasts of some by the pretensions of the King of Spain to her succession. And, as our statesmen gleefully reflected, since the British connection was loathsome to the French people, the ruler who made it for his own purposes would depend on it and on themselves. This is not the place to describe the calculations of the French regent, Orleans, or of his minister Dubois, for whom George I secured as the price of his assistance the Archbishopric of Cambrai, nor can the involved negotiations in the several centres be followed out.[2] It is sufficient to record that in January 1717, the compact was framed which linked France, Britain and the Dutch into a Triple Alliance for preserving the peace of Europe on the lines laid down four years earlier. The Hanoverian Succession and the regency of Orleans thus gained the support of the best army and the best fleets in Europe, backed, as was computed, by nearly one-half of Europe's current cash.[3] The policy embodied in the Triple Alliance was destined during sixteen years of unexampled complexity to avert the evil which seemed always imminent—the outbreak of a general war. It is significant that in such a compact between three of the four colonial Powers of the world the colonies though implicitly guaranteed are not specifically named. How little they were regarded by the rulers of France in comparison with their own security became manifest in the amazing French career of Law. In August 1717 Louisiana was lightly handed to a Scottish adventurer who promised to make France rich. The tobacco monopoly, the Senegal, East India, China and African Companies followed. Within two years, it might be said French commerce outside Europe was in his hands. Another year (1720) and the bubble burst. It had shown how shallow by comparison with the Dutch and English were the roots of the French Companies, and it had suggested that if the French Government remained inactive British colonists and merchants had little to fear from France.[4]

The Triple Alliance, produced as it was by clear and simple needs of State, may be rightly regarded by posterity as the outstanding event in a period of European peace. To the actors in them, however, the years that followed the death of Louis XIV seemed anything but peaceful, and politics had never been more obscure. How could Britain think of empire while at any moment a fresh European

[1] Castelar, cit. Duff, M. E. G., *Miscellanies*, p. 270.
[2] Cf. Wiesener, *Le Régent*. Based on British records.
[3] Cf. Anderson, III, 85.
[4] Weber, H., *La compagnie française des Indes* (1604–1875), p. xv and *passim*.

combination might overturn her throne? And how could her ministers ensure the prevalence of a national policy when the King, despite his dynastic interests, was indispensable? Until the close of 1718, at least, the student of British imperial history must stare at the kaleidoscope of Europe.

In the summer of 1715, wrote a contemporary, "the Levant was covered with ships of war. The Sultan, judging well that he could not maintain himself upon the throne if he did not find employment for his militia,...fell upon the Venetians....France, in a state of minority, was the only Kingdom that remained neuter".[1] For the pre-eminent result of the Sultan's move was to embroil the Emperor, already at loggerheads with the Dutch and living in a state of latent hostility against Spain. The ambitions of Spain forced him to garrison Italy, while the separatist aspirations of his Protestant subjects in Hungary constantly taxed his strength. Until the victories of Eugène brought the triumphant peace of Passarowitz in 1718, British statesmen watched with anxiety the fluctuations of the Emperor's power. But their distraction due to south-eastern Europe was as nothing in comparison with that arising in the north during the final flight of "that military meteor" Charles XII. The amazing adventures with which he had filled the whole century, and the no less amazing career of Peter, had brought about a Baltic situation which of itself was perplexing enough for Britain. Sweden was the Protestant missionary nation and our commercial friend. But should she be encouraged in clinging to her eastern Baltic provinces against Russia and Poland, to her southern Baltic provinces against the North German States, to her provinces on the Weser and the Sound against their neighbours in Germany and Denmark? Most urgent of all, what should be our attitude with regard to the intrusion into civilised Europe of Russia, an unattractive Power, but one very difficult to assail, and mistress, if her success continued, of those naval stores upon which British armaments mainly depended? The problem was made still more difficult by the "obstinacy and inveteracy"[2] of Charles XII, who vetoed our commercial intercourse with Baltic ports which his enemies had held for many years and seized our merchantmen who disobeyed. The difficulty was increased when the professional soldiers freed by Utrecht flocked round the foremost captain of the age, and when he found in the Holsteiner Count Goertz a volunteer but omnipotent minister who could contrive to pay them. It was increased tenfold by the compromising manœuvres of the British King in the interest of his Hanoverian possessions. It is neither necessary nor edifying to trace the steps by which his electoral troops had occupied Bremen and Verden.[3] What concerned Britain was that these Swedish fiefs

[1] *History of Cardinal Alberoni*, p. 80.
[2] Townshend to Stanhope, Nov. 1716, cit. Coxe, *Walpole*, II, 121.
[3] Cf. Chance, J. F., *op. cit.*, *passim*.

doubled the importance of Hanover, that to keep them George became the accomplice of Russia and even of Denmark and Prussia, his detested neighbours, and that no consideration for Britain would induce him to let them go. To draw or drive us into open war with Sweden for the aggrandisement of Russia was indeed beyond his power. But he contrived that in 1715 a British fleet aided Charles's enemies after the season for trade was over; he convinced the Swedes that a North German prince upon the throne of Britain could never be their friend; he brought it about that, early in 1717, south-western Sweden was reported "chock full of troops", with fleets preparing for a descent on Scotland, and he uselessly embroiled Britain with Russia for a period that surpassed his life.

Britain, insecure at home, was thus unprofitably involved in the northern struggle at the moment when the renewal of the general war was threatened by a sudden aggression on the part of Spain. To the rulers of Spain the Peace of Utrecht was a settlement achieved without consulting the laws of God or man,[1] and one which had left behind it the seeds of endless wars.[2] To the rulers of Britain it was "the indelible reproach of the age",[3] a settlement which confounded the characters of victors and vanquished, which prompted ministers to that legal indictment of its contrivers which Walpole took five hours to read. As at the same time the regency in France, our hereditary enemy, was the particular object of Spanish detestation, it was not unnatural that the two countries moved towards an *entente*. In 1716 the Convention of Madrid so expanded the treaty of commerce, which they had concluded at Utrecht, that the treaty of 1667 regained its force and the subjects of each country enjoyed most-favoured-nation status in the other.[4]

British hostility to the Utrecht terms, however, was in the main to those regarding France; Spanish, to those regarding Italy. That Italy should be delivered over to the Emperor seemed to Britain advantageous; but to the Italian rulers of Spain, intolerable. Hence when, in May 1716, peace-seeking Britain made her defensive alliance with the Emperor, Spain construed it as almost a declaration of war against herself. The Triple Alliance (January 1717) between all the commercial Powers increased her indignation. To break with Britain, France and Holland would be to renounce the Indies. But neither this peril nor the victorious progress of Eugène could deter her from striving to re-enter Italy by force. In the autumn of 1717, the Emperor's island of Sardinia was seized by an expeditionary force from Spain. While the expedition was in progress, Eugène won his crowning victory at Belgrade, but without the aid of a naval Power he could not reconquer an island. Britain as the Emperor's ally was

[1] Alberoni, cit. Head, *Fallen Stuarts*, p. 188.
[2] Alberoni, *Lettres intimes*, p. 306, and p. 161.
[3] Coxe, *Marlborough*, III, 334, citing with approval Pitt to Keene.
[4] Rousset, *Recueil historique d'actes, etc.* (La Haye, 1728), I, 441.

thus challenged to uphold the Utrecht settlement against Spanish attack. She naturally endeavoured to end the war between Spain and the Emperor without herself taking part in it and without sacrificing her new alliance with France.

Spain, on the other hand, rejected every plan for an accommodation, and sought on all sides for allies. The Jacobites, the Swedes, the Turks and the Russians might be hoped for, but the most attractive possibility lay in France. There the Regent was morally as isolated in his union with Britain as was Louis Napoleon in a later age. Until their deepest feelings are aroused, the British set gain above sentiment, knowing that through Parliament they can veto an alliance if they think it worth their while. The French had neither consolation, and those who desired the succession of Philip to their throne were now strengthened by the general anti-Austrian opinion. While France remained doubtful, Spain found an active ally for her adventure in the ruler of Savoy, whose Utrecht acquisitions in Italy the Emperor was determined to possess. In 1718 the Spaniards seized on Sicily with the support of the inhabitants and the enthusiastic co-operation of their Savoyard King, eager to exchange them for Sardinia. With Europe, north and south alike, full of firebrand powers, wise action on the part of Britain, of the Emperor, and, above all, of France was essential to avert a conflagration. Thanks largely to British diplomacy, in this case assisted by Hanoverian, the danger passed as rapidly as it had arisen. Resisting all clamour, the Regent stood firm by his engagements. The Emperor made with the Turks a peace (July 1718) which set free an overwhelming force for the defence of Italy. He was even induced to join with the Sea Powers and France in a great Quadruple Alliance (August 1718) to defend the settlement of Europe.[1] His reward came without delay, for in August Byng destroyed the Spanish fleet off Cape Passaro, and in November the Savoyard yielded Sicily at the price of Sardinia and the confirmation of his royal title. This prince, "whose politics were always unsearchable and always so superior to those of all other potentates",[2] was admitted to the Quadruple Alliance and thus further fettered Spain.

Rather than relinquish her Italian hopes, however, Spain attempted to kindle a world-wide war. The Jacobites, the Swedes and the Russians should be hurled at Britain or Hanover; British trade with the Spanish Empire should be plundered; Britain should be involved; and, to gain the French alliance, the regent should be overthrown. No single portion of this great scheme prospered, save the seizure of British merchant ships and goods. The French were stirred by the Spanish plot into greater energy and actually invaded Spain. Britain armed furiously and countered the Spanish negotia-

[1] Leclercq, H., *Histoire de la Régence pendant la minorité de Louis XV*, II, 19 seqq.
[2] *History of Cardinal Alberoni*, p. 146.

tions with success. The accidental death of Charles XII (December 1718) removed the most incalculable danger to her peace. The new Armada never reached her shores. A Spanish landing failed to rouse the Highlands. British troops joined in the invasion of Spain and captured Vigo. Alberoni returned for ever to his native land, and, early in 1720, Spain followed her recreant ally into the Quadruple Alliance.

At the same time the infinitely complex politics of the North seemed to be taking a clearer form. In the Baltic region, however, Britain, hampered by Hanover, had played a poorer part than on the continent and in the Mediterranean, and was emerging with a less reward. Her Baltic problem had been to secure a general peace on terms which should be both fair to Sweden and defensible against the sinister and victorious Peter. It was complicated by the facts that Bremen and Verden must be secured for Hanover; that Prussia, which hated Hanover, must have Stettin; that Denmark subordinated everything to her revenge;[1] that the Saxon King of Poland was hopelessly untrustworthy; and that the King of Prussia was filled with an abiding terror of the Tsar. In general the complaint made earlier by Goertz was to prove well-founded, that "If...the Swedes must give up everything that the insatiable greed of their neighbours demanded, they would not...be sure of their shirts".[2] The death of Charles and the execution of his minister, however, had left no Swedish champion to contend with fate, and British diplomacy, which had found in Russia the chief hindrance to a settlement, was aided by the fact that, next to Denmark, Russia was the greatest bugbear of the Swede. Lavish bribery and the expectation of British naval help and of a strong coalition to coerce Russia procured Bremen and Verden for Hanover (July 1719) and for Prussia the region of Stettin (August 1719). At the same time, with infinite pains, the choleric and timid King of Prussia was brought into harmony with Hanover and into opposition to the Tsar. Britain now hoped that with the aid of France, Prussia, the Emperor and the King of Poland, Russia might be forced to concede a righteous and abiding peace. This would leave her Petersburg and the window towards the west, but would restore to Sweden Finland and those provinces south of the Gulf of Finland which were at once the granary of Stockholm and the chief centre of British trade. In February 1720, Britain, Prussia and Sweden were in line, and it seemed probable that Denmark would be coerced into concluding peace. To have thus stemmed, even for a time, the advancing tide of Muscovy, would have brilliantly crowned a series of services to Europe which had already made the first years of the Hanoverian dynasty remarkable, and which must have strengthened its hold upon the British people.

[1] Cf. Chance, J. F., *British Diplomatic Instructions*, 1689–1789 (III. Denmark), pp. 51 seqq.
[2] Chance, *Northern War*, p. 179.

Now, however, in the words of an eighteenth-century historian, "We are to enter upon the year 1720; a year remarkable beyond any other... for extraordinary and romantic projects, proposals and undertakings, both private and national".[1] France was convulsively awakening from the spell cast over her by the financier Law, while in Britain the speculative fever was running a swifter course. The achievements both at home and abroad of British statesmen during the last six years saved the Hanoverians when the South Sea Bubble burst, but our prestige inevitably suffered. It became impossible to find allies to combat Russia, and inconvenient to pay for the necessary aid to Sweden. Denmark, which had claimed so many provinces that the Swedish revenues would have fallen from eight to three million crowns,[2] was brought to reason, but when the twenty years of northern war were closed at Nystad (August 1721) Russia had had her way. "Since the child is dead," wrote our ambassador, "I shall wash my hands, change raiment, and eat and drink as David did of old."[3] But it could not be denied that our enemy had won for his country a commanding position on the Baltic, great influence with Prussia and the Poles, and an association with the Emperor which endured for many years. Britain must now fear the growth of a great Russian navy, and only her American Plantations saved her from a fatal dependence upon Russia for her naval stores.[4]

The year 1720 remained memorable no less for personal than for national changes. The Stuarts gained a new heir and a new hope by the birth of Prince Charles at Rome. At the same time their Hanoverian rivals closed their ranks by a family reconciliation which was duly notified to foreign courts. In the future George II the King possessed an heir as stupid as has ever reigned in England, while Caroline, Princess of Wales, was to become her ablest Queen. Her the King merely termed a she-devil,[5] but for the Prince he shared the feelings of His Russian Majesty, who slew his son, and of His Prussian Majesty, who proposed to follow that example. In London, however, a royal father could only break off intercourse, and even this was now formally resumed. Most important of all, the nation had turned to Walpole, for whom the South Sea Bubble inaugurated a ministry of more than twenty years.

Walpole's great merit lay in applying to public affairs a clear vision, a cool head, and an energy which no volume of business could exhaust. "We have one minister", wrote Hervey, "that does everything with the same ease and tranquillity as if he was doing nothing."[6] In contrast to many outstanding figures of his time, he "was not one of those projecting, systematical, great geniuses who are always

[1] Anderson (written before 1763).
[2] Chance, *Northern War*, p. 388.
[3] *Ibid.* p. 467.
[4] Cf. Albion, *op. cit.* pp. 160 and 240 seqq.
[5] Lord Orford's *Reminiscences* (London, 1818), p. 28.
[6] To Horace Walpole, Oct. 1735. Cf. Coxe, *Walpole*, III, 299.

thinking in theory and are above common practice".[1] No man could solve a problem more surely, nor see more clearly what men were. Unhappily he was devoid of interest in what they might become. In diplomacy he had had no training, and lacked even the common accomplishment of French. Foreign affairs were not his province, though, being "absolutely the helm of government",[2] he could never fail to influence their conduct, and in a crisis he was apt by sheer competence to take the lead. As a financier, he disliked expense, though he paid liberally for secret service; as a materialist, he thought the enrichment of the people the supreme blessing; as a good Georgian and a good fellow, he was for a quiet life and the benefit of time. All his instincts therefore impelled him to prolong the *entente* with France, and to postpone the realisation of the dream of Louis XIV, a family accord between France and Spain. Such an accord would have clipped the wings of Britain on the continent, in the Mediterranean and above all in the New World, while French and Spanish commerce would have prospered. For more than a decade fortune favoured him. The Bourbons remained blind to their mutual profit; the Pyrenees were not abolished; and men enquired of Walpole what he had done to God Almighty to make Him so much his friend.[3]

During the first twelve years of Walpole's power (1721–32), and thanks in no small degree to his exertions, striking events both in British and in continental history were rare. At home and abroad, however, the seeds of trouble remained alive. In Britain, none the less, each quiet year added strength to the House of Hanover, and lessened, in England and in Scotland alike, the attraction of the Stuart line. On the continent, and in the wider world, an artificial equilibrium prevailed, of which the instability could only become more evident with the lapse of time. Wearied and shaken by the wars of Louis XIV and by the collapse of the great schemes of Law, counterbalanced as always by the power of Austria, France was now paralysed by the King's minority and by feuds within the House of Bourbon. With time she must recover, must perceive her false position as the antagonist of Spain, must throw off the hampering *entente* with Britain, and contend with her for the commercial and colonial prizes of the world. To gain time, the British Government was slow to take up the challenge implied in French encroachments in the backwoods of America. In 1720 the important pass of Niagara was seized, and in the early 'thirties Crown Point and Ticonderoga founded, but the latent threat to our remote possessions upon the mainland was ignored. The regency, equally bent on quiet, disclosed Jacobite plots to the British and contributed to the pacification of Spain.

[1] Hervey, *Memoirs*, I, 24.
[2] Count Broglio to the King of France (1724), cit. Coxe, *Walpole*, II, 302.
[3] *Ibid.* III, 122.

In Spain, however, an influence prevailed—that of the Italian Queen—which could be pacified only by the complete satisfaction of her demands. Italy, she resolved, must be freed from the Habsburg by the assignment of principalities to her sons. No true peace with Britain, moreover, was possible while Gibraltar and Minorca remained ours. Vivacious, persistent and domineering, while her husband was often melancholy and apathetic, she devoted the force of Spain for twenty years to the fulfilment of these aims, which were crowned with rare success. Her foremost opponent was of course the Emperor, who possessed in full the Habsburg appetite for lands in Italy, and believed himself unjustly excluded from the throne of Spain. In 1722, however, his policy was swayed by his desire to realise other and still dearer plans. By a family law known as the Pragmatic Sanction, he had so varied the succession to his miscellaneous dominions that, if he should leave no son, his daughter, Maria Theresa, would be heir of all. To secure the endorsement of this new Austria by all Powers domestic and foreign became the constant, costly and successful object of his life. The Pragmatic Sanction, however, would extinguish the hereditary claims of several princes, including the King of Spain. At the same time, the Emperor's acquisition of the Netherlands inevitably drew his attention to the injustice of the treaty fetters by which, for the profit of the Sea Powers, these industrial regions were still restrained from oceanic trade. In an age in which the South Seas promised boundless profit, while the Dutch East India Company had paid 24 per cent. over a hundred successive years,[1] the impecunious Emperor clutched at schemes which might enrich all his dominions from Trieste to the northern sea. If Antwerp must remain stifled for the advantage of Amsterdam, Ostend might serve his purpose, and British speculators, shut out from lawful commerce with the Indies, were eager to provide ships and funds. In December 1722, to the infinite concern of the Sea Powers, the Ostend Company was established. Penalties were promptly denounced against participation by British subjects, but within a year the spirit of the East India Company was reported to be so broken that it would neither offer tea for sale nor make exports the next season.[2] While the Sea Powers were invoking treaties of 1648 and 1670 to prove the Ostend Company illegal, a congress assembled at Cambrai to settle the differences between the Emperor and Spain. Distrusting congresses, however, the Emperor, by a supreme feat of Viennese bureaucracy, contrived to delay the formal opening until January 1724.[3] In the meantime three events had happened of moment to Walpole and to Britain. The failure, through popular clamour, of the Irish coinage scheme known as "Wood's halfpence" had shown both the insecurity of the Govern-

[1] Anderson, III, 149.
[2] Governor Harrison, cit. Coxe, *Walpole*, II, 266.
[3] Williams, B., *E.H.R.* XV, 484.

ment and its moderation. The return of Bolingbroke, thanks to a stout bribe to the King's Hanoverian mistress, had provided the opposition with an inexhaustible fountain of ideas. "All they say", Walpole declared in 1734, "was only a repetition of the words he has put into their mouths, and a spitting out that venom which he has infused into them."[1] "With as much ambition, as great abilities, and more acquired knowledge than Caesar",[2] but, as his victim protested, a natural liar,[3] Bolingbroke constituted henceforth a standing threat to Walpole, such as must increase his caution, tax his strength, and deter him more than ever from looking far afield. And the return of Bolingbroke coincided with the deaths of the French authors of the *entente*, who were succeeded by the far less able Duke of Bourbon.

The Cambrai Congress, when it actually met, lacked the necessary moral force to stabilise the peace. When it separated, Europe seemed to stand on the verge of a general war, perhaps even a war of religion. For in April 1725 Spain and the Emperor had agreed to join hands and had concluded the first Treaty of Vienna. Forces which ultimately numbered some 387,000 men could be arrayed to uphold the Pragmatic Sanction and the Ostend Company, to wrest Gibraltar, Minorca and commercial privilege from Britain, to restore the power of Spain in Italy, and, as seemed hardly doubtful, to oppress the German Protestants and to restore the Catholic Stuarts. All this was to be consolidated by a great marriage between the Habsburg and the Spanish Bourbon lines, threatening to issue in a power superior to that of Charles V. The Emperor's views appeared to British statesmen "as dangerous to Europe in general and to our country in particular as ever those of Louis XIV".[4] It was characteristic of an age in which a nameless alchemist could be taken by princes and diplomats for the Wandering Jew,[5] that this vast Treaty of Vienna should be the work of Ripperdà, a boastful Dutch adventurer, serving the adventuress who was Queen of Spain. Its general cause lay in the conviction of both Spain and Austria that only by thus menacing Europe could they obtain what the Congress would not give. Its particular occasion lay in the abrupt return by Bourbon of the destined bride of Louis XV, an Infanta not yet seven years of age. "The Bourbons", declared the insulted Queen, "are a race of devils" —(to her husband) "except your Majesty."[6] The new allies deluded themselves with the belief that by offering a commercial monopoly to the British people they could regain Gibraltar and seduce Britain away from France.[7] Failing this, Hanover lay open to the Emperor's forces, and Russia, even after Peter's death, might be induced to join with Sweden in establishing the Pretender.

[1] Coxe, *Walpole*, I, 421.
[2] Goldsmith in his edition of Bolingbroke's *Works* (London, 1809), I, lxx.
[3] Coxe, *Walpole*, II, 344.
[4] *Ibid.* II, 494, citing Townshend.
[5] Weber, K. von, *Aus vier Jahrhunderten*, pp. 306 seqq.
[6] Ewald, A. C., *Sir Robert Walpole*, p. 187.
[7] Coxe, *Walpole*, I, 252.

Britain, however, stood firm by the side of France, and met the Spanish threat by a squadron in the West Indies. To safeguard Hanover, she concluded in its capital a treaty which in time embraced the Sea Powers, France, Prussia and both the Scandinavian States. To support the Treaty of Hanover, even after the scandalous defection of Prussia in 1726, some 315,000 men could be arrayed, while the Emperor's need of great garrisons in Hungary and Italy, and the difficulty of moving Spanish troops by sea, made such a force superior even on land to that of the Vienna combination. British fleets simultaneously menaced Spain, cooped up her treasure galleons in the West Indies, and entered the Baltic to hold Russian and all other enemies in check.[1] "In this perplexed, entangled and amphibious state of broken peace and undeclared war",[2] changes in the government of France were of the utmost moment. The Duke of Bourbon, who had thought to control the young King by an amazing marriage with the daughter of the exiled Stanislaus of Poland, quarrelled in 1726 with Louis' aged tutor, and found himself quietly supplanted. At seventy-three, the obscure bishop known to history as Cardinal Fleury thus acquired a power greater than that of Richelieu or Mazarin, and earned the nickname "Your Eternity" by retaining it for more than sixteen years. He has been judged as variously by posterity as by those who knew him. It seems probable that he loved to exercise his right to do everything himself, and desired that no more business should present itself than an old man could transact; that as an ecclesiastic he had learned the value of humility, resignation and a Mazarin's "soft and purring gentleness";[3] that while he disliked self-assertive young colleagues, he realised that a Chauvelin might serve him as an invaluable Jorkins; that he could play the garrulous dotard to perfection and deliberately produced that "strange mixture of sham secrets, feigned trust and sudden coldnesses which made it almost impossible to divine his game".[4] He equalled Walpole in appreciating the benefit of time and detesting unnecessary violence, but while the insular politician abhorred continental entanglements, Fleury understood the profit that diplomacy may bring when wielded with real penetration. For the moment his strength was to sit still, while the contradictions inherent in the Austro-Spanish league brought about its ruin. Whatever momentary irritation or specious diplomacy during the "mad year" 1725 might dictate, the Emperor and the Queen of Spain could not sincerely cooperate in Italy, nor could they defy the Sea Powers in the field of commerce, nor could the Emperor desire a Bourbon son-in-law to succeed himself. Britain's pride and self-will might be trying, but with time and patience France would come into her own.

[1] Cf. Chance, *Instructions* (Denmark), pp. 68 seqq.
[2] Hervey, *Memoirs*, I, 87.
[3] Macdonald, J. R. M., *A history of France*, II, 179.
[4] Vaucher, p. 158.

In February 1727, Spain actually declared war on Britain, but its languid course showed only the hollowness of the Vienna league and the strength of the opposition. The timely death of the Emperor's chief ally, Catharine I of Russia, helped on the cause of peace. It was agreed to adjourn the disputes and to discuss them at a new Congress next year. Before the Congress met, at Soissons, the sudden death of George I had brought about the confirmation and enlargement of Walpole's power. His new sovereign, after first giving him the lie and his dismissal, was brought by Queen Caroline and a sense of his own interests to become his unconscious disciple and his steadfast friend. Inferior to his father in weight and vision, George II resembled him in love for Hanover and in hatred for his heir. The one made him zealous for the imperial alliance; the other had the curious effect of safeguarding the dynasty by providing the disaffected with a cynosure who was not a Stuart. The Hanoverian dynasty, however, was still far from popular, nor the Emperor yet available as its ally, while, in October 1728, tidings of Louis' smallpox evoked brisk movements on the part of Philip for claiming the succession to his throne. Fleury, Walpole and George II therefore remained at one in prolonging the *entente*, despite the complaints of French merchants, British planters, and diplomats and statesmen of both nations.

Fleury, like Walpole, desired peace, but no French statesman could be expected to base the peace of Europe upon a guarantee of the aggrandised House of Habsburg. Since the Emperor stood out for the Pragmatic Sanction or nothing, the Congress of Soissons failed, and the next European combination embodied another revolution. Spain, resolute to re-enter Italy, and disillusioned by Vienna, achieved her purpose by accepting the yoke of Britain. In November 1729, at Seville, she flung over her imperial ally with his Ostend Company and collective guarantee of the Pragmatic Sanction, accepting from the Sea Powers and France the succession in Tuscany, Parma and Piacenza, with the right to send 6000 Spanish troops to hold them.

Before the Treaty of Seville was signed, the birth of a dauphin, frustrating Philip's hopes of the succession, had removed the greatest barrier between France and Spain. The next great move for a broad-based peace, however, came from Britain. No treaty, it might well seem, could have insulted the Emperor more than that of Seville, whereby his opponents combined with his faithless ally for the forcible disposal of imperial fiefs. In the spring of 1730, the Duke of Newcastle imagined French, Hessians, Danes, British, Hanoverians and Dutch marching on Austria to safeguard the Spanish cause in Italy.[1] Yet, within eleven months, a second great Treaty of Vienna was in being (March 1731) whereby the Sea Powers, soon joined by Spain, won over the Emperor by guaranteeing the Pragmatic Sanction. In the

[1] To Harrington and Poyntz. Cf. Coxe, *Walpole*, II, 681.

negotiations, conducted with haste and stealth for fear of France, Britain had been amazingly hampered by the "little, low, partial, electoral notions"[1] of her King, who demanded as the price of the treaty judicial decisions by the Emperor in favour of Hanover. Their successful conclusion in the second Treaty of Vienna seemed to crown the diplomatic campaign of Britain under Walpole for peace. In support of our own Pragmatic Sanction, the Act of Settlement, we had now secured the guarantee of the Emperor, France and Spain, while Spain was bound to give privileges to our commerce, and all possible competitors in their several ways to refrain from interference. In 1732 we felt strong enough to veto a Spanish project for independent eastern trade, and to establish our new colony of Georgia on the very edge of Spain's occupied territories in Florida. The basis of the new settlement was philanthropic, though Franklin derided the prospects of an agricultural colony of "insolvent debtors taken out of the jails",[2] and the prohibition of negro slaves and of great estates soon broke down. But France and Spain could hardly ignore the threat to themselves in a settlement which trespassed on their provinces and furnished in Savannah an obvious strategic menace to their fleets.

Queen Caroline was right, however, in comparing the political combinations of Europe to the South Sea Bubble, which everyone knew was a cheat but entered to snatch a profit.[3] Two years sufficed to burst the second bubble of Vienna. In 1733 France discovered that she could not look on unmoved while the eastern Powers disposed of the vacant throne of Poland. Louis cheerfully informed those who thronged the ceremony of his *lever* on 14 October that his troops had crossed the Rhine.[4] By the end of November, France, Spain and Sardinia were in arms to coerce the Emperor, and Britain must tremble for Gibraltar, commerce and prestige.[5] Could she stand by with folded arms while Europe was shaped by others? Walpole was determined that the War of the Polish Succession should not become a war of the British Succession, and the nation did not disagree. The ministry, weakened by the failure of the Excise bill, had rallied opinion by betrothing Princess Anne to the Prince of Orange. This stroke, however, offended the anti-monarchic Dutch, who instantly drew near to France. Thus reassured, the Emperor's threat to evacuate the Netherlands could not stir them to action, and without Dutch co-operation it would be madness for Britain to venture upon war. In 1734 and 1735 the Emperor, with Russian help, had his way in Poland, where the Saxon Augustus drove Louis' father-in-law from the throne. The Rhenish and Italian campaigns, however, went against him, and Don Carlos of Spain was crowned

[1] Coxe, *Walpole*, II, 535, citing Horace Walpole the elder.
[2] Smyth, A. H., *Writings of Benjamin Franklin*, I, 355.
[3] Robertson, C. G., *op. cit.* p. 33.
[4] Vaucher, p. 74.
[5] Coxe, *Walpole*, III, 147.

King of Sicily and Naples. Meanwhile the Sea Powers laboured for peace, and hastened its coming by their refusal of financial aid. When the third Treaty of Vienna was agreed on, however, France had approached the Emperor without their knowledge. Nor was this slight the only British disaster in the war. A Family Compact between France and Spain had been signed in 1733. When peace returned, a league of continental powers against Britain had been brought appreciably nearer. In spite of George's martial zeal, the Emperor had called on her in vain to fulfil the Treaty of Vienna, while France had guaranteed the Pragmatic Sanction. Five years before, Newcastle had reported Fleury "not dead, but dead to us",[1] and Fleury was the least Anglophobe of Frenchmen. A war in which our sea power shielded Poland while our diplomacy favoured the Emperor could hardly strengthen the *entente*, though both parties resumed it with feigned enthusiasm. Above all, though with much distrust and friction, the deadly combination of France and Spain had been brought about. The territorial adjustments of the third Treaty of Vienna (1738) securing Lorraine for France, Tuscany for the Emperor, and the two Sicilies for the Spanish Bourbons, commanded the assent or at least the indifference of Britain. Its implications might well leave only the foolhardy calm.

The three years after fighting ceased (1736–38) saw a general worsening of the position through the rise of our ambiguous French ally. Chauvelin, our sworn foe, the "shuffling friend"[2] whose conduct made Walpole instruct our ambassador to "pay dissimulation with dissimulation...as all who play fair with sharpers are certainly undone",[3] fell early in 1737, but France in that age "pushing into an universal commerce as the...way of coming at their old darling scheme of universal dominion"[4] could not be truly our well-wisher. It was something that the Queen of Spain hated Fleury, the "mitred Machiavelli", but Patiño, her great commercial minister, who threatened to kill him with a staff of cotton by transferring Spanish trade to Britain,[5] had died in 1736, leaving the government to "three or four mean stubborn people of little minds...but full of...the immense grandeur of the Spanish monarchy".[6]

The Emperor, upon the maintenance of whose power "the equilibrium" depended, and who now lost his Eugène, was drawn into a war between Russia and the Turks, in which the Austrian disasters reinforced the lesson of the Polish Succession struggle. Military failure was followed by diplomatic, and the Peace of Belgrade (1739) formed an immense triumph for France. The Turks were saved; Russia, baulked of compensation for her loss of 100,000 men; Austria,

[1] To Horace Walpole, Aug. 1730; cf. Williams, *E.H.R.* xvi, 448.
[2] Delafaye to Waldegrave, Oct. 1731, in Coxe, *Walpole*, iii, 122.
[3] *Ibid.* iii, 449. [4] Anderson, iii, 216. [5] Coxe, *Walpole*, iii, 473.
[6] Keene to Newcastle, 1739, cit. Temperley, H. W. V., "The Causes of the War of Jenkins' ear (1739)", *Trans. Roy. Hist. Soc.* 3rd series, iii (1909), p. 3.

despoiled and humbled—all by the brains and energy of a French diplomat and a French military adventurer.[1] "'Tis Belgrade kills me",[2] said the Emperor, when at the point of death. Austrian influence with Russia inevitably declined, while Prussia, whose Crown Prince was learning to reckon on a deep cleavage between France and Britain,[3] proved susceptible to the blandishments of France.

Mistress now of Sweden, with nowhere an enemy, France seemed to be the arbiter of Europe. Meanwhile the British Government had survived the Porteous riots in Scotland, disturbances in London, an open feud within the royal house, and the lamentable death of the Queen. Still, however, it felt too weak to risk the alienation of the fundholders by converting the debt to a lower interest basis, and in 1739 the moral weakness of both Government and people was to place both in jeopardy. In that year, long-smouldering disputes with Spain issued in a needless rupture.

"The conduct of England from . . . 1737 to the declaration of war", wrote Coxe ere the century closed, "was inconsistent, unjust, haughty and violent."[4] It was also highly unprofitable, though the worst disasters were averted by good fortune. Both sides had just grievances arising from the high claims and lawless practices of Britain and her subjects in their relations with the Spanish Indies[5] and from the illegal violence shown by Spanish officials towards suspected offenders.[6] During the year 1738, negotiations in Spain were stimulated by the presence of a British fleet, but, early in 1739, so good was the Spanish disposition that a convention between the two countries was signed and an alliance was seriously thought of.[7] Then, while a skilful French ambassador changed the feeling at the Spanish court, a wave of public opinion swept Britain into war with Spain. The South Sea Company inflamed the Government and nation; hopes of mines and galleons played their part; stories of the Inquisition found ready credence; and the Opposition made of Captain Jenkins's ear a talisman to bring them into office. Pitt stooped to use the argument of a Louis XIV that might gives right, without Louis' sincere assumption that man's might is an index of God's favour. "With more ships in your harbours than in all the navies of Europe, with above two millions of people in your American colonies", should we, he asked, accept a dishonourable convention?[8] Few could be found to brave the storm, and Newcastle was certainly not among them. In March 1739 he ordered the squadron at Gibraltar to remain there,[9] and by October, Spain and Britain were formally at war.

[1] Vandal, A., *Une ambassade française en Orient sous Louis XV*, 1728–41, *passim*.
[2] *Ibid.* p. 411.
[3] Koser, R., *König Friedrich der Grosse*, I, 48.
[4] Coxe, *Walpole*, I, 618.
[5] Cf. Johnson, C., *Lives of the most famous highwaymen, etc.* (London, 1734), p. 267: "This logwood is but little better than stole".
[6] *Vide supra*, p. 340.
[7] Temperley, *ut cit.* p. 21.
[8] Cf. Thackeray, *Chatham*, I, 29 (Dr Johnson's version).
[9] Temperley, *ut cit.* p. 32; Hertz, *op. cit.* pp. 48 seqq.

A year later, Newcastle himself was writing, "From what I see, France will sooner or later dominate Europe, and perhaps America also".[1] The last clause is the more significant because the war had been conducted on the lines laid down in Carteret's dictum, "Look to America... Europe will take care of itself".[2] The first great plans, which included a double attack upon Manila, were indeed cut down, but the Admiralty clung firmly to its design of attacking Spanish America from the west as well as from the east.[3] While Anson prepared for an expedition to the South Seas, Vernon with six men-of-war made the almost bloodless capture of Porto Bello (November 1739). Such a success, one month after the proclamation of the war, intoxicated the Opposition and the country. Vernon became a national hero, and was entrusted with a large fleet for the reduction of the Spanish Indies. In March 1741, aided by General Wentworth and 8000 men, he turned to attack the stronghold of Cartagena. The commanders quarrelled; nearly half the troops perished of disease; and in mid-April the attempt was abandoned. It had taught the British how not to wage amphibious warfare in the tropics.[4] Anson, meanwhile, with a host of despairing pensioners and raw marines, was labouring round Cape Horn.[5] His squadron, which dwindled to a single ship, won great fame and booty, but was powerless to influence the war. In 1742, Vernon continuing impotent, it became clear that as a speculation the Spanish war had failed. Fleury, moreover, had as yet done little save guard against any diversion in Europe which could affect a struggle so profitable to France. While the British continued to lose markets, to squander manhood in the tropics, and to turn against their incomparable Walpole, the cardinal was drawing nearer to the Emperor and preparing for a triumphant mediation. At this juncture, however, death destroyed his hopes. On 31 May 1740, young Frederick of Prussia, Voltaire's disciple, but suspected of being secretly a foe to France,[6] inherited his long-awaited crown. In October, the Russian Succession passed to a minor, an event which, as he knew well, must give him greater freedom. At the same time, Europe was startled by the Emperor's sudden death. This led to events which broke Fleury's system in pieces, set the world on fire, and caused the War of Jenkins's ear to be almost literally forgotten.

For Britain, the great significance of the War of the Austrian Succession (1740–48) was that it foiled and distracted France. As the immediate consequence of the Emperor's death, Spain turned to press her claim to Austrian Italy. In December, Frederick marched into Silesia. "The man is mad", cried the impassive Louis, but the infection soon spread to Paris. While Fleury disseminated blessings

[1] To Harrington, 11 Oct. 1740, cit. Vaucher, *Walpole et Fleury*, p. 352.
[2] Cit. Charteris, *Cumberland*, p. 88.
[3] Bancroft, G., *Hist. of U.S.* III, 440.
[4] *Ibid.* III, 442; Richmond, H. W., *The Navy in the war of* 1739–48, pp. 110 seqq.
[5] Walter, R., *A voyage round the world in the years* 1740–4 *by George Anson, Esq.* (London, 1748), *passim.*
[6] Koser, pp. 54, 119.

and schemed for a judicious increase of French power, the party of action, crying, "Down with the Habsburgs", captured the King and nation. Belleisle, earnest, abstemious and soldierly in a society which lacked those virtues, led a sumptuous mission into Germany, to substitute for Austria at the head of affairs an aggrandised Bavaria crowned with the imperial crown and dependent upon France.[1] French success, both in the imperial election and in war, seemed to depend on Prussia. Frederick, whose victory at Mollwitz (April 1741) proved that the only Austrian army could not drive him from Silesia, skilfully prolonged the auction at which the irreconcileables, Britain and France, "the most stupid and the most ambitious powers of Europe", bid for his support. The interference of George II, zealous for Hanover, helped to decide his Prussian rival against Britain. The British plan would have purchased by concessions in Silesia the adhesion of Prussia to a league with Austria, the Sea Powers, Russia and other States to uphold the Pragmatic Sanction, for, apart from treaty obligations, a strong Austria seemed a necessary bulwark against France. The party of no surrender at Vienna, however, relied on King George and our guarantees, and Frederick cheerfully bound himself to lay Germany and the Habsburgs at the feet of France. In a three days' struggle at Versailles, speaking for seven hours on one of them, Belleisle battered Fleury into compliance.[2] In August, cheered by the news of our reverse at Cartagena, French troops crossed the Rhine, while the Swedes, prompted by France, marched against Austria's ally, Russia. Claimants to the Habsburg dominions threatened almost every province. Vienna itself, where many hoped that the Bavarian Charles Albert would drive out Maria Theresa's detested husband, Francis of Lorraine, was described as being in the state prayed for by the Scotch preacher "who asked of God to spread confusion over the earth that He might show His omnipotence in restoring order".[3] But worse was yet to come, for the French advance and the menaces of Prussia drove George to approach Versailles, to declare Hanover neutral, and to promise the Bavarians his vote. British diplomacy might still be used to reconcile Frederick with Maria Theresa; Britain might raise an auxiliary army for her defence; her personality and the justice of her cause were not to be despised; and bandits like the Kings of Prussia and Sardinia were poor material for an enduring coalition. France, moreover, whose hegemony seemed to be assured when her accomplice Elizabeth seized the throne of Russia[4] (December 1741), was justly suspected by her German confederates of aiming at their permanent subjugation. Belleisle, indispensable in the field, could not always coerce Fleury into decisive and dangerous action. French

[1] Cf. Coxe, W., *Memoirs of Horatio, Lord Walpole*, 1678–1757 (London, 1802), p. 232.
[2] Koser, pp. 115 seqq. [3] Charteris, *Cumberland*, p. 109.
[4] Kluchevsky, V. O., *Hist. of Russia* (trans. Hogarth), IV, 314; Hildebrand, E., *Sveriges historia*, VII, 135 etc.

troops, none the less, wintered in Prague, and, in January 1742, the Bavarian *protégé* of France became the Emperor Charles VII.

How the tide turned and flowed swiftly in Austria's favour; how the Prussians and Saxons left the divided and distracted French to save themselves and their Bavaria as best they could; how the Spanish Bourbons were foiled in Italy and the Swedes in Finland—all this belongs to the chequered history of 1742. For Britain, the great event was the fall of Walpole, a peace minister forced to preside over impolitic and ineffective war. Although the King still looked to him for counsel and his former followers remained in power, the resolute Carteret became the steersman of belligerent Britain, and we turned to fight in Europe for the Protestant Succession and America. The detachment of Prussia and Saxony from the hostile coalition was a British success. Britain helped to detach Sardinia also and enabled its King to fight the better for the Pragmatic Sanction by threatening Naples with bombardment and forcing the Spanish Bourbons to be neutral. When Fleury died at ninety, in January 1743, France was already meditating a descent upon our shores to induce us to leave Germany and Italy alone.

The campaigns, both military and diplomatic, of the year 1743, however, went strongly in favour of the Hungarian Queen. While her own troops conquered Bavaria, British, Hessians and Hanoverians moved south from Flanders to shield her from the new French army of Noailles. By sheer good fortune, our stout-hearted but ill-led "Pragmatic Army" escaped destruction at Dettingen and won a resounding victory. "The devil take my uncle," wrote Frederick, "let no one name the French troops and generals in my hearing."[1] He had not made peace to look on while the Austrians and Hanoverians became supreme in Germany, and he preferred to head a union of imperial States with German liberty as its watch-word. This line of thought was soon to find its parallel in Britain, though for the moment Carteret went from strength to strength. In September 1743, at Worms, he brought Sardinia into league with Austria and Britain for the more vigorous prosecution of the war, and the Dutch, Saxony and Russia took the same side. To its author, the Treaty of Worms seemed destined to end the struggle. In reality, it immediately provoked France to surrender herself to Spain, and to wage open and earnest war with Austria and Britain. At the same time it disgusted the British public with Austria, and augmented their disgust with Hanover. The miracle which saved the Habsburg at the opening of the Thirty Years' War had been repeated for his descendant, and at that "good Englishmen" rejoiced. But to lead another Grand Alliance into a Thirty Years' War for Habsburg and Guelph aggrandisement was far from their intention. Twelve years

[1] To Podewils, July 1743, *Politische Correspondenz Friedrichs des Grossen*, II, 380.

later, their dissatisfaction bore its momentous fruit and led to the salvation of Prussia.

The campaigns of 1744 to 1747 shed much blood for little profit. In Maurice of Saxony, a natural son of King Augustus, the French found a Marlborough whose victories steadily won the Netherlands and who even snatched fortresses from neutral Holland. Against the most scientific soldier of the age and his superior numbers and supplies, the British could set no better captain-general than the King's son Cumberland, whose aim, the wits declared, was to lead his men into the hottest place he could find and to keep them there as long as possible. Dettingen, wrote his aide-de-camp, was play to Fontenoy,[1] where a third of the British infantry were cut down. Great victories every year, Fontenoy, Roucoux, Lauffeldt, punctuated a chapter which Choiseul, who frankly confessed the delight of summer campaigns and Paris winters, declared was prolonged for the marshal's own advantage.[2] Maurice at least added to France valuable regions which advanced her vulnerable frontiers on the north-east and at the same time would enable her to threaten her enemy across the sea. In Italy, meanwhile, fortune fluctuated from year to year as different hands clutched at the rudder which Louis was incompetent to hold. When the ministers met, jeered Paris, God's thunder was inaudible.[3] In Spain, on the other hand, the death of Philip (July 1746) transferred control from his Italian Queen to the Portuguese Queen of his successor, Ferdinand VI, a change which tended towards a more rational and more successful conduct of policy and war. On the whole, however, Austrians, Sardinians and British did well in Italy, and the short-lived invasion of Provence in the autumn of 1746 formed something of a moral offset to the Belgian triumphs of the French. Continuous warfare in the Netherlands and Italy was accompanied by intermittent though conspicuous struggles in other fields. In 1744 Frederick plunged into the second Silesian war. The motive was fear lest Austria should conquer Alsace and Lorraine, Bavaria and Silesia. The course was a disastrous offensive, followed by a brilliant defensive, which saved his own jeopardised provinces and won a separate peace on the lines laid down by Britain (December 1745). It might safely be predicted that Prussia, now conscious of the antipathy of almost all Europe, would take no further part in the war.

As between France and Britain, the year 1745 had seen two new forces help to turn the scale. Belleisle, brought captive from Hanover in 1744, declared that he could conquer the island with 5000 scullions of the French army.[4] Next year the Young Pretender seemed to justify this boast and the *tandem triumphans* on his banner when he

[1] Wyndham, M., *Chronicles of the Eighteenth Century*, I, 134.
[2] Choiseul, *Mémoires*, pp. 35, 44.
[3] Koser, p. 218.
[4] Charteris, *Cumberland*, p. 206.

first encountered George's troops. The work of Walpole, however, had been too well done. The old statesman, who drank to the health of his rivals for winning Dettingen, lived to see neither Fontenoy nor the fulfilment of his prophecy that the Crown would again be fought for on British soil. But his policy had weaned the masses from the Stuarts, and 1745 saw the failure of this deadly stroke by France. Thus the year which confirmed Frederick upon his throne, restored the Bavarian line, and gave the Empire once more to the House of Habsburg, also repulsed the long-drawn Stuart threat to the Protestant Succession. While the 'Forty-five ran its course, Britain replied with a colonial effort which both counted for much at the time and pointed towards great things in the future. Some 4000 militia, chiefly from Massachusetts, very efficiently aided by the King's ships, captured Louisbourg, a fortress upon which the French were said to have spent a million sterling. Only eternity, urged a divine, would be long enough for the due thanksgiving.[1] Soon all Cape Breton Island was ours, "the key and protection of their whole fishery",[2] making us the gate-keepers of North America for defence, commerce, and control of the native races. "Had we not taken Cape Breton this year and the French had taken Annapolis," it was believed, "all the inhabitants of Nova Scotia would have declared for France immediately."[3] In London, however, neither this distant success, nor the prospect of seizing the French fishery and controlling their commerce, nor Culloden with Cumberland's repression of the Highlands, nor the triumph of ministers over the King which barred Pulteney and Carteret from power and brought Pitt into employment —none of these could dispel the gloom caused by the irresistible progress of the French in the Low Countries. Louisbourg might safeguard New England, but Antwerp imperilled Old, and Antwerp seemed defenceless against Maurice de Saxe.

At the close of the year, indeed, the Government raised £4,000,000 in two days and as much again was offered, while the revolution which made the King's bellicose son-in-law, William of Orange, stadholder, held out hope of more vigorous Dutch participation in the war. The Russians, too, were disposed to help Maria Theresa, and were presently reported to be moving from the Vistula to the Rhine at the rate of some two miles a day.[4] To Newcastle, however, it seemed politic to desist from a war which was no longer waged for any British aim nor with any reasonable hope of reaching an anti-French decision. Though bitterly opposed by Maria Theresa, who clung to the hope of recovering Silesia, and hampered as usual by the pro-Hanoverian intrigues of George II, Newcastle in 1747 steadily shepherded Britain and her allies towards peace. France was no less

[1] Robertson, C. G., *op. cit.* p. 111; and *vide infra*, p. 525.
[2] Anderson, III, 248.
[3] *Ibid.* III, 252.
[4] Mordaunt to Cumberland, May 1748, cit. Charteris, *Cumberland*, p. 341.

weary of the financial strain of war. In 1746 she had gained Madras, but next year the victories of Anson and Hawke in the Bay of Biscay destroyed the relics of her marine and with them all present hope of victory overseas. So weary was her court of the war that the bargain was struck unknown to Spain, her sole ally, and all Flanders was given back.[1] By the close of April 1748, France and the Sea Powers had reached an understanding at Aix-la-Chapelle, and in the autumn the impossibility of fighting on without their aid brought all Powers into agreement. The peace of 1748 bore out the theory that with Europe divided between French and British camps future conquests had become impossible. In every continent the principle of restitution prevailed. Austria, indeed, must compensate Prussia with Silesia, Spain with Parma and Piacenza, and Sardinia with the frontier of the Ticino, sacrifices which disgusted her with Britain. But she secured the Pragmatic Sanction, the surrender of her conquered Netherlands, and the return of the Empire to her House. France gave up Madras and the seaward fortifications of Dunkirk, proving her loyalty to the Hanoverian Succession by expelling the Pretender. To complete that security of Old England which had been the dominant desire of British statesmen since the death of Anne, France and Austria were induced to accept the re-establishment of the Flemish Barrier. The price was the return to France of the key of the St Lawrence, although this must mean that New England would be insecure. Britain surrendered Cape Breton, but recovered in principle her favoured position with regard to Spanish trade. The full enjoyment of her rights could be gained, however, only by negotiation at Madrid on the questions of the South Sea Company's trade and the measures to be taken against abuses. Such negotiation must in any event be tedious and uncertain. It remained to be seen whether Spanish disgust with France for abandoning her cause would outweigh the former disgust with Britain for the conquest of Gibraltar and Minorca. If, moreover, by sanctioning the rape of Silesia, the Peace of Aix-la-Chapelle marked the end of the old Europe based on hereditary right, it erected no firm barrier against the resumption of the old struggle between France and Britain. In the seven years' truce which preceded the Seven Years' War, the injured Powers prepared to reverse its verdict, while France and Britain, intent on profit from overseas, moved towards their inevitable trial of strength.

[1] Choiseul, *Mémoires*, p. 56.

CHAPTER XIII

THE DEVELOPMENT OF THE COLONIES UNDER THE FIRST GEORGES, 1714–1755

WHEN the Peace of Utrecht was signed, most of the British colonies in America and the West Indies had passed beyond the stage of infancy. Some, indeed, like Georgia and several of the West Indian Islands, were not yet in existence; others, like Newfoundland and Nova Scotia, were still in the cradle. But for the greater part they had reached the era of manhood. From primitive and struggling settlements they had developed out of different beginnings and by different means into prosperous and virile communities. The British West Indies now included the Bahama Islands; Jamaica; the administrative unit of the "Leeward Charibee Islands", embracing Antigua, Nevis, St Kitts, Montserrat, Barbuda, Anguilla, and the Virgin Islands; and lastly Barbados: in addition were disputed claims to St Lucia, St Vincent, Grenada and Tobago.

Since the resumption of the early charters, Bermuda, Jamaica, Barbados, and the Leeward Islands had enjoyed representative institutions. A governor appointed by the Crown, whose powers were defined and whose policy was directed by his Royal Commission and Instructions, and a council also appointed by the Crown, largely on the governor's recommendation, formed the executive. The Legislature consisted of the governor and council forming an Upper House, and an Assembly of varying numbers, elected by and from freeholders. But there persisted the tradition of constitutional opposition to the Crown, inherited from the early English colonists.[1] Battles were now to be fought in the General Assemblies over the same questions of financial control and privilege as had been waged by Parliament in the seventeenth century. The issue was often obscured by the character of a governor, or by the heat of local factions, stimulated by that immoderate use of Madeira wine or rum punch which was characteristic of the period.[2] But the struggle was essentially similar to that which we shall see in progress on the continent. Elective assemblies opposed imperial executives. They claimed the right to adjourn themselves and fix their own sessions and to appoint officers and fix their salaries. They endeavoured to obtain greater control over expenditure. Arrogating to themselves all the powers of the House of Commons, they denied the right of the councils to

[1] Cf. Penson, L. M., *Colonial Agents of the British West Indies*, p. 4; Osgood, H. L., *American Colonies in the Seventeenth Century*, I, 91.

[2] Leslie, Charles, *A New and Exact Account of Jamaica*, p. 32 etc.

amend money bills. Each of these points involved an infringement of the prerogative of the Crown, easily interpreted as disloyalty. Disloyalty was repudiated. But opposition to royal governors and to councils who derived their privileges from the Crown persisted. Pressure was put upon governors by refusing to vote them salaries or a revenue for the support of the government and the defence of the islands. Governors who came out with the hope of repairing a broken fortune or finding some reward for military services in return for their labours and the risks of sea and climate, often found themselves obliged to finance the government or maintain the king's troops out of their own pockets. For the colonists felt the exaggerated distrust of standing armies common to Englishmen of the period, even though their own safety depended on them. Colonel Parke of the Leeward Islands, Lord Archibald Hamilton in Jamaica, and a dozen others shared in these respects the experiences of governors of New York and Massachusetts. One would yield to the temptation to recoup himself by exacting excessive fees or embarking in the illegal trade it was his duty to prevent. Another would strike a bargain with the Assembly and return home a nabob. For a tactful governor often succeeded in getting his way by assigning to malcontent members some of the many offices at his disposal, or by assenting to bills on which the Assembly had set their hearts, in return for acts which he himself desired or considered necessary for the security or well-being of the colony. To prevent the abuse of presents, by which Assemblies had been wont to influence them, governors were now assigned fixed salaries from the Crown, with permission to invite the first Assemblies after their arrival to supplement them by additional grants during residence. Governor Worsley of Barbados obtained a grant of £6000 a year in addition to £2000 from the Crown, and £2000 in fees and perquisites (1722).[1]

The opening years of this period witnessed a tense struggle between the Assembly of Jamaica and the British Government. The fight for complete legislative power through the governor, council and Assembly, which had been in progress ever since 1678, culminated in the refusal of the Assembly to grant a fixed and permanent revenue for the support of the civil government and the maintenance of the king's troops. Conciliatory methods were tried without effect. Then pressure was brought to bear by withholding the royal assent from all new acts and from the renewal of those which were about to expire. There was a period of grave crisis during which the island was actually left lawless. At length the Assembly yielded and settled a permanent revenue of £8000 in return for the confirmation of the whole body of island laws (1729).[2]

If the issue of the political struggle in the West Indies was very different from that in America, it was probably due to a divergence

[1] C.O. 28, 39, f. 59.

[2] C.O. 137, 10 seqq., and 138, 14 seqq.

of economic and social development. During the first half of the eighteenth century the tide of prosperity in the West Indies rose rapidly to the flood. In wealth, as in strategic importance, they surpassed the colonies on the mainland. But by the close of the century the ebb was so pronounced that the planters were in sore financial difficulties.[1] Between 1736 and 1784, for example, the exports of rum and sugar from Barbados fell 50 per cent.[2] The question inevitably arises, why did West Indian prosperity reach and pass its zenith whilst the continental colonies continued to wax steadily in wealth and strength? Probably the most important factors, in addition to those already considered, were the limited area of land in the islands and impoverishment of the soil by heavy cropping; over-concentration on sugar production, involving large estates and the increase of black labour at the expense of the white population; foreign competition and fluctuations of prices in the sugar trade;[3] and the devastation wrought by hurricanes, droughts, and earthquakes.

The American colonies enjoyed natural conditions not widely different from those of Europe. They had limitless areas of undeveloped lands. They were therefore increasingly able to attract white immigrants suited to a temperate climate, who developed into a distinct and vigorous stock. But the climate of the West Indies is tropical. It was eminently suited to negroes, and when the supply of black labour became plentiful, it inevitably ousted white. The process had been delayed at the beginning by the scarcity of slaves, and the efforts which were made to secure white immigrant labour. Rewards were paid to masters of vessels for each newcomer landed. Indentured labour was supplemented by transported convicts and political prisoners, notably after the 'Fifteen and the 'Forty-five.[4] Indians, too, made captive on the continent, were sometimes sold as slaves by American governments.[5] But neither their labour nor prison labour proved satisfactory.[6]

Jamaica and the Leeward Islands had quickly followed the example of Barbados in turning from the cultivation of tobacco and indigo to that of sugar as the staple crop. Abounding prosperity was their reward, but it was not an unmixed blessing. The evil of *latifundia* was introduced and brought in its train the evils of absenteeism and a decreasing white population. The early settlers and their time-expired servants had received small grants of land and formed a sturdy yeoman class, increasing the white population and providing a valuable militia and a variety of crops and provisions.[7] But sugar

[1] Davy, John, *West Indies before and after Emancipation*, pp. 6–8; Penson, pp. 174, 175; *Parl. Pap.* 1807 (65), III, 1.

[2] Edwards, Bryan, *Hist. of the West Indies*, I, 347; C.O. 28, 17 and 24; Pitman, F. W., *The Development of the British West Indies*, 1700–63, p. 92.

[3] Harlow, V. T., *Barbados*, 1625–85, p. 56.

[4] *Hist. MSS Comm., Stuart Papers*, II, 453, III, 304.

[5] *Va. Magazine of History*, II, 73; *N.C. Col. Rec.* II, IV.

[6] Pitman, p. 56.

[7] *Cal. St. Pap. Col.* 1716, no. 118; *Groans of the Plantations*, 1689; *Harl. Misc.* II, 356, etc.

plantations demanded large estates, large capital for the purchase and upkeep of sugar mills and slaves, and a large and cheap supply of manual labour. Unable to provide the necessary capital, the small planters sold their holdings to richer men and emigrated to the mainland. The large estate holders rapidly made fortunes and retired to England, leaving their plantations to be managed by factors and worked by negroes.[1]

Whilst the white population was thus depleted, the supply of white labour began to fail, partly because profitable land had ceased to be available for indentured servants when they had completed their term of service. Vain endeavours were then made to encourage the importation of white servants. The "Deficiency" laws of Jamaica and similar acts in the Leeward Islands provided, under penalty of a fine, that each planter must keep white servants in fixed proportion to his negroes or acreage.[2] But planters preferred to pay the fine, for negro labour for sugar planting was both cheaper and more efficient. Three negroes could be kept for the cost of one white labourer.[3] The result of these several causes was that after about 1740 the white population actually declined in Barbados and the Leeward Islands.[4] In Barbados the whites numbered 12,528 in 1712, 18,419 in 1762, and 16,187 in 1786. Negro slaves in the same period increased from 41,970 to 70,000, and then decreased. In Jamaica, between 1673 and 1764, the numbers of whites rose from about 8500 to 26,000. But in the same period, the black population increased from 9500 to 140,000 or more.

The profits of the sugar industry enabled many landowners to escape from a trying climate and to follow what a governor of Jamaica described as "the usual inclination of the inhabitants, sooner or later to go home".[5] Absenteeism was naturally resented in the islands. In Jamaica and the Leeward Islands non-resident owners of plantations were called upon to pay heavier taxes. Not only were their estates often extravagantly managed and their negroes brutally treated by their overseers, but the owners drew large sums from the islands.[6] Pitt, in 1789, estimated the annual amount at £4,000,000.[7] This steady drain of money accentuated one of the many difficulties which hampered trade, the want of a plentiful and stable medium of exchange. Lack of currency in the Leeward Islands caused all business to be done in terms of produce.[8] In Barbados, after issues of paper currency, not properly secured, had temporarily ruined credit and raised prices, payments were generally made in sugar.[9] Jamaica for a time drew ample bullion from her trade with Spanish America,

[1] Brit. Mus., Sloane MSS, 3662, f. 59 *a*; *Thomason Tracts*, 669 (11), (115); Harlow, p. 43; C.O. 28, 21, Y. 10, etc.
[2] *Acts of Jamaica*; C.O. 137, 10–23; 152, 12–15.
[3] C.O. 1, 37, no. 48.
[4] Edwards, I, 347; C.O. 152, 14–28, and 28, 27–32.
[5] *Cal. St. Pap. Col.* 1714–15, no. 588.
[6] Pitman, p. 38.
[7] Rose, J. H., *William Pitt and the Great War*, p. 370.
[8] *Cal. St. Pap. Col.* 1716, no. 120.
[9] *Ibid.* 1706–8, no. 1176.

but interruptions of that trade, especially after 1737, caused money to be so scarce that goods could only be paid for by goods.[1]

On the other hand, the absentee landlords were able to exert considerable influence on British politics, and by their wealth and power to procure legislation favourable to the West Indies, even though it were contrary to the interests of the other colonies. Together with the merchants who traded with the islands, they formed a "West India interest", discussed politics and business with their fellows at the Jamaica Coffee House, and bought rotten boroughs at the elections.[2] The outstanding achievements of this West India interest were the passing of the Molasses Act in 1733, in spite of the protests of the "Bread Colonies",[3] and its extension in 1764; the granting of direct trade to Europe in 1739; and the defeat of the proposal to raise the tax on imported sugar in 1744. The Molasses Act was intended to secure to the British West Indies the monopoly of the supply of sugar both to the American colonies and Great Britain. The same eagerness to secure a monopoly of the sugar market had long been a source of jealousy between the islands themselves. They always scented danger in the development of a rival island. The $4\frac{1}{2}$ per cent. duty on exports from Barbados and the Leeward Islands, besides being a grievance because it was not applied to the defence of those islands and was a handicap in competing with foreign sugar, was also a cause of jealousy, since it was not paid by Jamaica.

Perhaps the most deplorable effect of absenteeism was that it deprived the islands of men of the most cultivated and responsible type. This was doubly disastrous in a community based on slave labour. Progress in political and social life was accordingly not commensurate with the wealth produced. Barbados could boast of only four small towns, the houses of which were mean, and the punch houses and taverns sordid. Resident planters lived, indeed, in considerable luxury in large country houses, surrounded by leafy avenues. But gambling, drunkenness and feasting were the leading features of their social life.[4]

The colonisation of the West Indies had no basis in a religious movement like the exodus to New England. Anglicanism prevailed, but Anglican ministers paid little attention to their duties.[5] There were few Quakers or Dissenters. Codrington College, in Barbados, founded by the will of Governor Christopher Codrington and begun in 1716, was the most notable school in the West Indies. Yet at its most flourishing period (*c.* 1750) less than fifty scholars attended it. There were, of course, some elementary schools in the islands. But

[1] C.O. 137, 17; 391, 44; Brit. Mus., Add. MSS, 19049; Long, E., *Jamaica*, I, 530; Pitman, p. 146.

[2] *Short Account of the Interest and Conduct of the Jamaica Planters*, 1754; and Penson, pp. 176–182.

[3] C.O. 5, 1093, f. 178.

[4] Schomburgk, Sir R., *Hist. of Barbados*, p. 111.

[5] C.O. 28, 50; *Cal. St. Pap. Col.* 1707, etc.; Leslie, C., *Account of Jamaica*, pp. 30, 46.

learning, like religion, was at a low ebb. The ordinary planters were content that their sons should receive the most rudimentary education. The richer sort were taught by tutors and then sent to the English schools, universities, or Inns of Court.[1] The first printing press was set up in Jamaica in 1718. The *Weekly Jamaica Courant* is said to have been first published at Kingston in 1722,[2] more than nine years before the first issue of the *Barbados Gazette*,[3] if that date is correct.

The varied climate and soil of Jamaica, stretching up from the sea to the high limestone ranges of the Blue Mountains, not only yielded a great variety of produce, but also enabled the planters to follow the pursuits of English country gentlemen. They rode, fished, and shot amidst their pastures, and indulged in sumptuous hospitality in which wine and brandy figured largely. Their houses were for the most part one-storied dwellings of wood, designed to withstand the frequent earthquakes and hurricanes. They were generally handsomely panelled with mahogany and furnished with a "piazza" for coolness. But the churches were little better than decent houses with small cupolas. Negroes of both sexes were allowed to go naked, except in the towns.[4]

The destruction of Port Royal by earthquake and fire had occasioned the rise of Kingston. As the headquarters of the West Indian squadron, its importance and riches were enhanced by the wars of the eighteenth century. As a depôt for the slave trade it was affected by the Asiento agreement of 1713; but it reaped a rich harvest as the port of the logwood-cutters of Honduras and Yucatan and of the Spanish-American trade, valued at one and a half millions a year at the beginning of the eighteenth century.[5] For after the Treaty of Utrecht Jamaica became the emporium of the illegal trade by which the Spanish colonies were supplied with British goods. The Asiento ship, which by a series of tricks managed to carry to Porto Bello more goods than half a dozen galleons, always touched at Jamaica.[6] But this profitable trade declined after the middle of the century, when the restrictions upon their colonies were relaxed by the court of Madrid.

In 1730—to take a half-way date—exports of sugar, rum and ginger from Jamaica to Great Britain alone were valued at £362,000, apart from minor produce such as cotton, fustick, indigo, pimento, ebony, and lignum vitae. The island possessed 200,000 head of cattle and 400 sugar works, valued at £1000 each.[7] Some of this great wealth was spent in Spanish Town, on the opposite side of the harbour to Kingston. Here the rich planters and merchants had town houses, and attended balls, assemblies and concerts. There was a play-house,

[1] C.O. 28, 42; Pitman, p. 24; Leslie, pp. 28 seqq.; Long, I, 438.
[2] Isaiah, Thomas, *History of Printing*; Cundall, Frank, *Press and Printers of Jamaica*, etc.
[3] Schomburgk, p. 124. [4] Leslie, pp. 28 seqq. [5] Edwards, I, p. 292.
[6] *A Voyage to S. America*, 1735, *by Don Juan and Don Antonio de Ulloa*, I, 107. Cf. Hotblack, Kate, *Chatham's Colonial Policy*, p. 5. [7] C.O. 137, 18, f. 102.

and the streets were crowded with chariots and coaches. The Jamaicans, too, had their own imitation of "The Wells" at Bath, where they indulged in dancing, music, and card-playing in the intervals of taking the waters.[1]

It was unhappily almost inevitable that, as the proportion of blacks increased, the planters should become not less but more oppressive, and too often brutal towards their slaves. Fears of insurrection, sometimes justified, sometimes exaggerated, here as on the continent led to cruel legislation, and prompted opposition to all attempts by Wesleyan or Moravian missionaries to educate the negroes and convert them to Christianity, lest a common language and religion should enable them to unite.[2] The natural result was a long series of revolts by runaway slaves. To these, in Jamaica, was added the horror of the Maroons.

The Maroons were descendants of slaves of the Spaniards who took refuge in the mountains when the English captured the island. Their chief resort was among the Blue Mountains, where they lived in a state of savagery, hunting and raiding neighbouring plantations. Runaway slaves, too, had formed large settlements in the fertile valleys of the midland districts. Both found a skilful leader in the negro Cudjoe, under whom they began to offer an organised resistance. Patrols of planters met with ignominious reverses. Fortified posts, garrisoned with trained whites and free negroes and dogs for watching and tracking, were then established near the rebels' hunting grounds. A few years before, in spite of Governor Hunter's warnings, the Jamaicans had been petitioning for the removal of the two companies of regular soldiers which they described as a standing army. But the very dangerous situation was now saved only by the arrival of two regiments from Gibraltar (1731).[3] Later, a couple of hundred Indians, proficient in bush fighting, were brought from the Moskito coast. Nanny, the chief town of the Maroons, was at length captured and destroyed (1734). Four years later Cudjoe was compelled to accept the terms offered by Governor Trelawney. The Maroons were guaranteed their freedom on condition of rendering aid against foreign invasions and insurrections of slaves. They were restricted to definite reserves of land.[4] The last terrible Maroon war in 1795 was the perhaps inevitable result of thus segregating them in settlements isolated from all civilising influences.

The Indians of the Moskito coast, which extended from Cape Honduras to St John's River, had always maintained their allegiance to Great Britain.[5] A garrison and a civil officer under the government

[1] Leslie, pp. 28 seqq.; Neish, G. F., in *Journal of Institute of Jamaica*, 1895.
[2] *Debates on the Slave trade*, 1806, p. 13; *Report of Committee of Privy Council on the Slave trade*; Buchner, J. H., *The Moravians in Jamaica*; Edwards, I, 487–95.
[3] C.O. 137, 19.
[4] *Ibid.* 18–25; Dallas, R. C., *History of the Maroons*; Pitman, pp. 114 seqq.; Edwards, I. 522–35.
[5] Sloane, Sir Hans, *Voyage to Jamaica*, etc. p. 76.

of Jamaica were established there between 1741 and 1749. The three British settlements of Black River, Cape Gracias à Dios and Blewfields boasted 1400 inhabitants in 1770, 206 of whom were whites. Besides exporting considerable quantities of mahogany, sarsaparilla, cocoa and tortoiseshell, Black River served as a refuge for the logwood-cutters driven from the Bay of Honduras in 1730. It also offered a valuable starting point for trade with the neighbouring Spaniards, or for attacking their settlements by way of Lake Nicaragua.[1]

Whilst Barbados and the Leeward Islands turned almost wholly to sugar planting, the soil of the Bermudas proved suitable only for raising vegetables. These the inhabitants exported in the sloops they built, serving also as carriers between the West Indies and the continent, raking and carrying salt for the Newfoundland and New England fisheries, "fishing" for wrecks, and sometimes turning privateers or pirates. But the principal "nest" of pirates was in the Bahamas. For some time after 1713 the coasts of North America were infested by them. They met with no little secret support in Pennsylvania, Carolina, and Virginia. But two expeditions, one from Carolina and one from Virginia, which resulted after desperate fighting in the capture of Bonnet and Thatch in 1718, put an end to their activities there.[2] In spite of their strategic importance, the Bahamas, left derelict by the lords proprietors, were allowed to be so reduced by Spanish raids that only twelve scattered families remained there in 1716.[3] In 1718 Captain Woodes Rogers, the famous seaman and adventurer, was sent to drive out the pirates and to resettle the Islands.[4] New colonists were introduced, including some Germans from the Palatinate, and constitutional government was established in due course.[5]

In Newfoundland, Placentia on being surrendered by the French was placed under a military governor. The need for a civil governor was increasingly felt. The system by which the master of the first vessel to arrive at any fishing ground acted as "fishing admiral" and sole dispenser of justice until the coming of the commodore of the convoy had definitely broken down.[6] When the fishing season was over, the few inhabitants who remained for the winter relapsed into a state of semi-barbarism. From 1728 onwards, therefore, the convoy captains were appointed as governors. But they could, of course, only act during their brief summer visits with the fishing fleets. The first such governor commissioned resident justices who could act in his absence. Courts of law were presently instituted. The permanent

[1] Edwards, v, 202 seqq. See McLeish, J., "British Activities in Yucatan and on the Moskito Shore", an unpublished thesis in the Library of the University of London.

[2] *N.C. Col. Rec.* II.

[3] *Cal. St. Pap. Col.* 1716, no. 108.

[4] See Rogers, Woodes, *A Cruising Voyage round the World*, ed. Mainwaring, G. E., Introduction.

[5] C.O. 37, 10 seqq.

[6] Reports by Commodores and Lt.-Gov. Moody, *Cal. St. Pap. Col.* 1715, *passim*, and 1716, no. 70, i, etc.

population, largely recruited from Irish Roman Catholics and convicts, now began to grow rapidly, rising from 1800 to 2400 during this period.[1]

After the Peace of Utrecht, British territory on the continent reached from Hudson Bay to Savannah. From a coast line roughly 1000 miles long, it extended 100 miles inland. To the hinterland an indefinite claim was laid. The accession of George I was welcomed in the Plantations as a guarantee of the continuance of their political and religious liberties.[2] The Jacobite minorities, whether in Barbados or New York, could not challenge the *fait accompli*, and the colonies settled down to enjoy an era of comparative political calm and rapid economic development.

All the political questions which were to cause the disruption of the Empire after the Peace of Paris, had been raised after the Peace of Utrecht. Already the West Indies had demanded that the importation of foreign sugar into the northern Plantations of the continent should be prohibited; already enquiries were afoot as to how the colonies could be made to pay the cost of their governments and a standing army.[3] But as yet the threat of the French had not been removed from America, and at home there was urgent need of political calm.

The risings of the 'Fifteen and 'Forty-five confirmed Newcastle and Walpole in their attitude of not interfering more than could be helped in colonial affairs. Gradually the opposite policy, for which the Board of Trade and Plantations stood, was shelved. That policy aimed at stricter control over the trade and development of the colonies, and the establishment of a homogeneous system of administration by converting all proprietary and chartered governments into Royal Provinces, governed directly by the Crown. Between 1700 and 1720 seven bills for the resumption of the charters were introduced into the House of Commons. They were rejected. The charters of Carolina and New Jersey were subsequently resumed, but those of Connecticut and Rhode Island, of Massachusetts Bay, Pennsylvania and Maryland were allowed to stand.[4] Maryland provided an early instance of the new policy. There the new Lord Baltimore was allowed to resume proprietary government, from which, as a Catholic, his grandfather had been suspended.[5] William Penn died without signing the surrender of his proprietorship of Pennsylvania (1718). His successors passed into the position of absentee landlords without his prestige, and of governors acting through deputy-governors.

Proprietary government in South Carolina had proved incompetent, arbitrary and unpopular. To help them in the devastating war with the Yamassee Indians which broke out in 1715, the

[1] C.O. 194, 5 seqq., and 195, 6 seqq.; Prowse, *Hist. of Newfoundland*; Rogers, J. D., *Hist. Geog. of Brit. Col., Newfoundland.*

[2] *Cal. St. Pap. Col.* 1714–15, p. v.

[3] *Ibid.* 1712–14, pp. vi, vii.

[4] Cf. Egerton, H. E., *Brit. Col. Policy.*

[5] *Cal. St. Pap. Col.* 1714–15, pp. xv, xvi.

Carolinians appealed for aid to the lords proprietors and the other colonies, and to the Crown to take them under its protection. The proprietors refused to surrender their charter, but confessed that they could render no effective aid.[1] The majority of the settlers were Anglo-Irish dissenters. They were equally disgusted by the neglect of the proprietors and their Anglican policy, by their exercise of the prerogative in disallowing their laws and by their interference with the distribution of the lands of the conquered Yamassees. A threatened invasion by the Spaniards in 1719 brought matters to a head. The governor was obliged to call out the militia. They marched upon Charleston. An Assembly was elected, styled itself a convention, and again appealed to the King. Clearly the proprietors had failed to defend the country and preserve order. The veteran, Sir Francis Nicholson, was appointed by the Crown to carry on the government. The surrender of the charter was completed in 1729, a strip of North Carolina being reserved for Lord Carteret, who refused to part with his share of the soil. Alarmed by the repeated representations of the Board of Trade in favour of resuming the charters, notably in 1721,[2] and its success in the case of South Carolina, Massachusetts presented to the King an address for the continuance of its privileges. It was supported by its colony's agent, Jeremiah Dummer, in his *Defence of the New England Charters*. That pamphlet closed a discussion which had been active for a generation and which was not seriously reopened for another forty years.[3]

In direct conflict with the ideal of stricter control steadily urged by the Council of Trade, stood the ideal of the colonies. In royal and chartered governments alike that ideal was almost complete independence after the Connecticut model. There, and in Rhode Island, the executive and legislature were appointed by the voters. They chose their own governors, carried on illegal trade with impunity, and had no correspondence with the Government at home, except when they stood in need of assistance from the Crown.[4]

Deep devotion to the Crown was expressed in all addresses. But certainly, even at this early period, a strong current of feeling for independence was running in the colonies, or at least a desire to manage their own affairs in a way which involved disowning the sovereignty of the Crown.[5] It was so interpreted not only by the Board of Trade and the Privy Council,[6] but by governors of such different characters as Hunter and Clarke of New York, Belcher of New England, and Lord Archibald Hamilton of Jamaica, and by independent observers on both sides of the Atlantic.[7] It was, indeed,

[1] *Cal. St. Pap. Col.* 1714–15, nos. 517, 524; *N.C. Col. Rec.* II, 191 seqq.
[2] *N.Y. Col. Docs.* V, 591.
[3] Cf. Osgood, H. L., *Amer. Col. in the Eighteenth Century*, II, 294–9.
[4] C.O. 5, 752, no. 45; 5, 1294, p. 27.
[5] *Cal. St. Pap. Col.* 1711–12, pp. 103, 104; C.O. 5, 752, nos. 44, ii, iv, 45; 5, 898, no. 84.
[6] *A.P.C., Col.* III, 329–34.
[7] C.O. 5, 1093, ff. 64, 126.

the natural interpretation of much of the procedure of the Assemblies during the first half of the eighteenth century. Sometimes the nominated councils, which with the governor formed the executive, joined with the representatives in their demands. Sometimes they opposed the governor on their own behalf, as when in New York (1729),[1] North Carolina, and elsewhere, they successfully challenged his claim to sit and vote in council when acting in a legislative capacity. But more usually they acted with the governor in opposing the claims of the Assemblies. Everywhere, in royal and chartered provinces alike, the constitutional development was practically the same. By precisely the same procedure as was pursued in the West Indies, the legislative Assemblies endeavoured to obtain complete control over finance, the executive and the judiciary. Using the power of the purse to induce governors to disobey the Royal Instructions which, they maintained, were not binding upon themselves, they attempted, by alternate bribery and starvation, to gain control over all officers of State. The growing system of placemen and the permitting holders of Crown appointments in the colonies to act by deputy—an abuse long combated in vain by the Council of Trade—no doubt stimulated their opposition to royal nominees and the desire to appoint their own officers. The peculation and maladministration of bad governors, such as Lord Cornbury in New York, lent a colour of reason to their refusal to vote permanent salaries. But the refusal was maintained equally when there was no such reason. Nor was it a question of hardship. Though poverty was sometimes pleaded as an excuse for not voting governors' salaries, yet Massachusetts, New York, and Jamaica were all ready enough to offer heavier bribes than the salaries demanded, if they could have their way, and to prolong their own sessions at a cost greater than the revenues they were asked to vote. This is the key to the struggle to obtain a permanent and adequate revenue and fixed salaries for governors which was fought out in long and bitter controversies during the first part of the eighteenth century, chiefly in the arenas of Massachusetts, New York, and Jamaica. In Virginia, where the governor's salary was fixed and paid out of the permanent revenue, and the Assembly could therefore put no pressure upon him, political calm reigned. It was not until 1753 that a principle of financial control was raised there. Governor Dinwiddie then claimed the right to levy a tax fixed by himself on all documents requiring the public seal. The Assembly protested to the King. Its appeal was rejected, but the governor saw fit to modify his attitude.

In New York, thanks to the firmness and political genius of Governor Hunter, the issue was temporarily decided in the opening years of this period, and decided in favour of the Crown. In view of the Assembly's prolonged refusal to vote an adequate revenue for the

[1] C.O. 5, 1093, ff. 84, 85.

support of the governor and government, threats were made of settling a revenue by Act of Parliament over the Assembly's head. Then Hunter was left in the lurch by the new Tory ministry. The accession of George I and the return of the Whigs came just in time to save him from being ruined and recalled. By his conciliatory skill he succeeded at length in obtaining a vote for a revenue in return for his passing a Naturalisation Act upon which the Assembly had set its heart.[1] When William Burnet, Whig son of a Whig bishop, came out to follow in his footsteps in 1720, the province had been restored to peace and credit. The Assembly voted him a supply for five years, and among its appropriations was a salary of £1560 for the governor. It was not until Governor Clarke succeeded Cosby in 1736 that the opposition, which had been roused by the Zenger case,[2] revived in the Assembly all those claims which had lain dormant since Hunter's time, and which, taken together, constituted a deliberate attack upon the executive and the prerogative of the Crown. Clarke himself was kept without a salary and starved into accepting a triennial act and other acts aiming at establishing courts by statute instead of by virtue of the governor's commission; at the appointment of judges during good behaviour; and at rendering the entire executive dependent upon the Assembly by a system of appropriations and annual votes for salaries.[3]

Massachusetts Bay in the meanwhile had remained the chief centre of political disturbance. Governor after governor for thirty years was instructed to stop the waste of timber reserved for masts for the Navy, to obtain the grant of a fixed salary, and the rebuilding of the fort at Pemaquid, which with the adjacent country had been abandoned ever since its destruction by the French in 1697, and was of importance as an outpost and for maintaining the title of Great Britain to the territory east of Kennebec River. All these and other reasonable demands were persistently refused. Only when Colonel Dunbar, the Governor of Nova Scotia, resettled Pemaquid (1731), did the New Englanders bestir themselves to assert their claim to it. Colonel Shute's demand for a fixed salary was steadily refused. When Governor Burnet came from New York to succeed him, he was instructed to move the Assembly for a fixed salary of £1000, and to warn it that any further delay would necessitate the intervention of Parliament. The representatives endeavoured in vain to bribe him by voting him larger sums twice a year. His successor, Jonathan Belcher, with similar instructions, met with a similar reception. He could only induce the Assembly to agree to vote his salary annually at the beginning of each session, instead of the half-yearly dole by which since Dudley's time it had determined to retain control over the governor's interest. "They are daily endeavouring to incroach

[1] *Cal. St. Pap. Col.* 1714–15, nos. 435, 530.
[2] *Vide infra*, p. 399.
[3] *N.Y. Ass. Journals*, I, 792 seqq.; cf. *N.J. Archives*, v, 86 seqq.

upon the little power reserved to the Crown in the Royal Charter", was Belcher's own comment.[1]

The Privy Council reviewed the Assembly's claims and actions in 1733, and declared that they evidently showed "that their design is to assume to themselves the executive power of the government of the said province, and has a direct tendency to throw off their dependence upon Great Britain".[2] Yet, rather than face the issue at this juncture, the British Government yielded. The policy of *laisser faire* and conciliation prevailed. Belcher was allowed to accept the offer of an annual grant, and victory rested with the colonists.

The representatives, it is evident, were doggedly fighting for control of their own affairs. They had no cause to complain of the character and ability of their governors. Dudley had been a native of Massachusetts; Shute an "independent" in religion, clear-headed, and conscientious; Burnet a mild and honest man of the school of Hunter; Belcher was a Boston shopkeeper, who had acted as agent in London for the representatives' cause, and a virulent anti-Episcopalian. It was not against persons but for a principle that the New Englanders fought. They saw their goal clearly and never swerved from their course. British ministers, vowing they would ne'er consent, consented. It was an ominous precedent for the future.

The uniformity of the main lines of the constitutional struggle does not imply that the colonists were unanimous in their views. There was, on the contrary, much bitter partisanship having its origin partly in the different economic conditions of the several provinces, partly in the various origins of the settlements, and partly in the action and reaction of political events in England. There was, for instance, in New York a "country party" whose interests were opposed to those of the merchants of the towns; there were the Dutch and French and inheritors of the Leislerian tradition; in New Jersey, as in South Carolina, the Anglican party was in bitter opposition to the Quakers, Dissenters, and the Proprietary party; in Maryland, Protestants opposed and oppressed Roman Catholics. If the colonies aimed at the management of their own separate affairs, they were not in the least inclined to unite either for their independence or their own defence. The idea that they were endeavouring to throw off their allegiance to the Crown was scouted by Dummer[3] as fervently as by the Assembly of New York in 1741;[4] whilst observers like Thomas Bannister dismissed the notion of the Plantations ever setting up for themselves as wild and unfounded. "Different schemes," he declared, "interests, notions, religions, customs and manners will for ever divide them from one another and unite them to the Crown."[5] Commercial rivalry, as between New

[1] C.O. 5, 898, nos. 84, 84, i, 87.
[2] *A.P.C., Col.* III, 329–34.
[3] Dummer, J., *A Defence of N.E. Charters.*
[4] *N.Y. Ass. Journals*, I, 792, 810.
[5] "Essay on the Trade of New England"; *Cal. St. Pap. Col.* 1715, no. 508.

York and New England, was one cause of jealousy and separatism. New Jersey, for example, which had been administered by the same governor as New York, demanded and obtained a separate governor on the grounds that the development of the province was hindered by its more opulent and powerful neighbour (1730).[1] Boundary disputes provided another cause of cleavage, as between Virginia and North Carolina and Maryland, between New York and New Jersey and Connecticut, and between Maryland and Pennsylvania. Apart from the general unifying influence of language, constitutions, and political ideas inherited from the mother country, any tendency towards unity came from pressure from without, and hitherto with little effect. The colonies were as unwilling to exert themselves in self-defence as they were to unite in defending each other. Planters, engrossed in business, gave a grudging response to the demands of governors for strengthening their fortifications and militias. The pacificism of the Quakers in Pennsylvania left their neighbours unsupported; Virginia held that the British Navy was the true defence of her shores; and the Carolinas reserved their strength for combating the Spaniards in Florida and the Indians on their frontiers.

When South Carolina appealed to the northern colonies for aid against the Yamassees, the Virginians alone were persuaded by their lieutenant-governor, Colonel Spotswood, to send troops to their assistance. He, and men of vision like himself, began to urge some scheme of organised contributory defence.[2] In 1728 Sir William Keith, ex-Lieutenant-Governor of Pennsylvania, proposed the imposition of a stamp tax in the Plantations in order to provide a general fund for the upkeep of a standing army and the administration and development of the colonies.[3]

In 1721, the Council of Trade, in order to remedy faults of administration and the evasion of laws relating to trade, quit-rents, the taking up of land, and the preservation of the woods, and also to secure co-operation in colonial defence, had suggested the appointment of a captain-general over all the colonies who should be advised by two councillors from each province.[4] It urged that the danger of the French advance along the line of the Mississippi should be countered by building forts along the frontiers, strengthening Nova Scotia and South Carolina, and planting settlements beyond the mountains. It also approved Spotswood's plan for a fort on Lake Erie, and Burnet's scheme for occupying Niagara. Burnet had worked hard to prevent the selling to the French of goods which they resold to the Indians and thereby maintained their influence over them. To control the Indian trade, he established posts at Saratoga and Oswego (1727). The opposition of the Dutch and other merchants at Albany proved too strong, and Burnet's provisions were repealed

[1] C.O. 5/4, nos. 44, 45; 5, 980, no. 48. C.O. 5/4, no. 37, i.

[2] *Cal. St. Pap. Col.* 1715, nos. 651, 389, i.

[3] *N.Y. Col. Docs.* v, 591.

in 1729. But to the founding of Oswego the French replied by establishing themselves at Crown Point (Fort St Frederic), an encroachment on the territory of the Six Nations of Indians which secured them the control of Lake Champlain (1730). The ink was scarcely dry upon the Treaties of Utrecht ere the French began to fortify Cape Breton, to interpret the cession of Acadia as embracing only the eastern part of the peninsula, to intrigue with the Northern Indians and the Six Nations, and to complete a line of forts along the Mississippi valley, from Detroit to New Orleans (1720), connecting it with Canada.[1] Plainly their guns pointed at the back of the British colonies, and their expansion barred British development westwards.

Strategically the most important point along the line threatened by the French was the frontier of New York. Its defence was a vital concern for all the colonies. The key to it was held by the Six Nations. Occupying the Mohawk valley, they not only commanded the most direct communications with the western prairies, but also, by their conquests over adjacent Indian tribes, extended their influence to the Mississippi. They acted, therefore, not only as a check to French development westwards but also enabled the British fur traders to get into touch with the Indians of the Huron and Michigan region and the upper Mississippi valley. With the Six Nations, by frequent conferences and presents at Albany, "the chain of the Covenant was kept bright", in spite of unremitting French intrigues. At the request of the Society for the Propagation of the Gospel and the Indians themselves, the sale of intoxicating liquor to them was prohibited. Too often it had been used by unscrupulous traders to cheat them of their goods and lands. The wars with the Tuscaroras and Yamassees had cleared the Carolinas of enemy Indians, and at the same time brought them into touch with the Creeks and Cherokees beyond the frontier, and the Indians in the south-west more directly under the influence of the French. Whilst Carolina controlled relations with the Indians to the south, Virginia, halfway between them and the Six Nations, was affected by both.

In these circumstances it might have been expected that common interest in the loyalty of the Indians would have drawn the several governments closer together. Actually, events demonstrated their deep-seated separatism. A congress of governors at Albany in 1722, called to settle questions that had arisen over the relations of the Six Nations with the Indians of the Virginia frontier, revealed differences of opinion between New York, Pennsylvania, and Virginia, and made it evident that there was little hope of the several governments combining in a comprehensive Indian policy.

But when at length rupture with France was clearly imminent, a conference at Albany was summoned by William Shirley, the able and energetic Governor of New England, by direction of the Council of Trade, in order to make a joint agreement with the Six Nations.

[1] *Cal. St. Pap. Col.* 1712–14, nos. 295, 521, 522; 1714–15, pp. viii–x; cf. C.O. 5, 1093, f. 155.

Commissioners were sent from Massachusetts Bay, New Hampshire, New York, Pennsylvania, Maryland, Rhode Island, and Connecticut (June 1754). Benjamin Franklin laid before them his "Albany plan of Union". It provided for a council which was to be elected by the colonies, with a president appointed by the Crown, and to deal with questions of Indian trade, defence, and unoccupied lands. It was accepted by all the commissioners, but by none of the colonies, for each was jealous of the surrender of power it involved.[1] Two months later the Council of Trade submitted to the King a scheme for a union of the colonies for military purposes, by which each colony was to have one representative at a conference for fixing quotas of men and money, to be at the disposal of a royal commander-in-chief. This scheme too was shelved.

The objection of Quakers to the use of "carnal weapons" was always an obstacle to combined defence. When war with Spain was imminent in 1739, the Assembly in Pennsylvania refused to establish a militia or to build a fort to secure the Delaware River. Benjamin Franklin solved that difficulty by organising a volunteer militia and providing a fund for fortification by means of a lottery. Again, in 1745, the Assembly refused to take part in the attack upon Louisbourg, or to vote money for arms or ammunition for that place when taken. But it appropriated sums for buying wheat, and "other grains", which the governor interpreted as including gunpowder. A more serious situation arose in 1754. The outbreak of the French and Indian war was followed by the disaster to General Braddock. The Indians in the northern and western parts of the province immediately went over to the French. Pressure was put upon the Assembly to grant money for military purposes and to pass an act for punishing mutiny and desertion in the militia. But this was not only contrary to the principles of the Society of Friends, but also involved consideration of the methods of raising such money. It was a long-standing grievance that the proprietors, whilst deriving a large revenue from occupied lands and holding an enormous area of unsettled territory for eventual profit, paid no taxes. The Assembly, in which Quakers were in a majority of six to one, proposed to tax both, and voted £10,000. The governor's instructions prohibited him from agreeing to this. The proprietors objected to paying taxes on unoccupied lands. It was not till 1759 that a compromise was reached.[2]

The most successful military exploit of this period, the capture of Louisbourg in 1745, was the proud achievement of New England almost alone, but with effective help from the British Navy.[3] Little had been done by the British Government to forward the settlement

[1] *Corresp. of W. Shirley*, II, 103–118.

[2] *Minutes of Provincial Council of Pennsylvania*, VIII, 524 seqq.; *Penns. Mag. Hist.* XXIII–XXV; Shepherd, *Pennsylvania*, V; Sharpless, *Quaker Government*, I, 252 seqq.; Smith, William, *Brief State of Pennsylvania*; *Votes of Pennsylvania*, IV; Channing, *Hist. U.S.* II, 33 seqq.

[3] See chap. XVIII.

of Nova Scotia. At first, indeed, their inaction and neglect of the garrison of Annapolis Royal seemed to suggest that they were anxious to abandon it to the French.[1] Afterwards there were long delays in sanctioning the granting of lands to settlers, partly caused by the determination to reserve 200,000 acres of timber for the Royal Navy. In the meantime the country was occupied by the original French settlers, some of whom had taken the oath of allegiance to King George. But their loyalty was more than doubtful. French agents and Jesuit missionaries worked persistently to induce them, like the inhabitants of Placentia, to transfer themselves and their cattle to Cape Breton. The keen and combative sense of the New Englanders was not slow to appreciate that Cape Breton was a direct threat, not only to Nova Scotia and Newfoundland, but also to their own coast and fishery and sea-borne trade. The bitterness they felt when Louisbourg was handed back to the French (1748) was accentuated when they learned that the fortress was being rendered more formidable than ever. It was for this reason that the British Government decided to establish a naval base at Chebucto Bay in Nova Scotia, in order to secure command of the entrance to the Gulf of St Lawrence. English emigrants to the number of 2500 were sent out to found the settlement of Halifax (1749). This was the only English colony in America founded by direct government action. It prospered rapidly.

Whilst the northern provinces advanced steadily along the paths of commercial and industrial progress, the growth of Virginia was that of a plantation colony. The Old Dominion was a typical royal province, and it fulfilled the ideal of the mother country by producing crops only, and consuming British manufactures. Like Maryland, its prosperity varied as the price of tobacco rose or fell. Its large trade in tobacco kept Virginia in close touch with Great Britain, and developed an aristocracy of planters who tended to monopolise the council.[2] Lying midway between the northern and southern colonies, Virginia was necessarily of great importance both politically and strategically. This importance was enhanced by its western frontier. There the passage across the mountain barrier led directly into the Ohio basin, pointing to the Mississippi. Lieutenant-Governor Alexander Spotswood, who succeeded Colonel Nicholson in 1710, was a pioneer not only of empire against the Indians and French, but also of colonial enterprise and development. Shortly after his arrival, whilst overhauling the revenue and system of granting lands, he formed schemes for pushing beyond the mountains with the object of opening trade with the remote Indians and forming a barrier against the French.[3] Under his direction the first ridge to the westward was explored. He learned that iron ore existed near the falls of James River. The Assembly refused to help him in working it, and

[1] *Cal. St. Pap. Col.* 1713–15, *passim*; and 1716, no. 51. [2] *Ibid.* 1714–15, *passim*; 1717, no. 522. [3] Spotswood, *Letters*, I, 39; *Cal. St. Pap. Col.* 1710, no. 555.

the Board of Trade discouraged him from doing anything to develop the manufacture of iron in Virginia. So, in Pennsylvania, the production of iron was checked by the Act of 1750 which prohibited its manufacture except in the early stages. Spotswood was, however, able to set some immigrant Palatines to work at mining for iron ore at Germanna. He himself secured a tract of 45,000 acres subsequently known as Spotsylvania County (1720), to which he afterwards retired.[1] He was presently succeeded by another Scotsman of equal energy and ability, Robert Dinwiddie. He determined to uphold the British claims westwards between the mountains and the Mississippi, where fur traders, passing over the Alleghanies by Will's Creek or working down from Pennsylvania, had established their influence. In 1749 two Virginian land companies received large grants of lands for settlement in the Ohio Valley. In the same year the Governor of Canada sent thither a force under Céleron de Bienville to assert the French claim to it.[2] Four years later the new French governor, Duquesne, who had been instructed to build forts on the Ohio, despatched 1000 men into that country. At Venango they seized an English trading house and converted it into Fort Machault. Dinwiddie thereupon sent George Washington, a young Virginian surveyor, to demand their withdrawal, and began to build a fort on the forks of the Ohio. This work was interrupted by the French, who compelled the British to retire, and constructed Fort Duquesne on the same spot. Dinwiddie had no efficient military force at his disposal, but he raised a few hundred men and despatched them under the command of Colonel Fry and Washington. At Great Meadows on the western slope of the Alleghanies, Washington came into collision with the French, and was presently forced to surrender (July 1754). The first blows had been struck in the struggle which was to end in the expulsion of the French from the eastern half of North America.

The difference between the two Carolinas was strongly marked. A certain amount of tobacco was grown in North Carolina, but the main industry was the production of naval stores, encouraged by the bounties offered by the British Government. Tar, pitch, and turpentine were extracted from the pine trees in the sandy soil. In South Carolina after 1700 the chief product was rice. Both provinces traded with the Indians for furs and skins. But the difference between their staple industries resulted in a divergence of social and economic conditions. The growing of rice in the paddy fields of a tropical climate involved the increasing use of black labour in the southern province, the development of large estates, and the congregation of rich merchants and landowners about the growing port and capital, Charleston. North Carolina, on the other hand, had no towns at all. Bath, the largest village, consisted of only a dozen houses. In South

[1] Spotswood, *Letters*, II, 70, 196 seqq.
[2] Céleron's Journal, printed, *Catholic Historical Researches*, II, 61–117.

Carolina the population in 1719 amounted to 9000 whites and 12,000 negroes.[1] By 1763 there were 70,000 blacks to 30,000 whites.[2] In North Carolina, where the industries were more suited to white labour, the proportions were reversed. The whites increased from 32,000 in 1732 to 77,000 in 1760, and the blacks from 6000 to only 16,000.[3] The scattered planters, lumbermen, and Indian traders of North Carolina formed a rough and turbulent community. Even after the Crown had bought out seven-eighths of the proprietors, internal feuds, reflected in the Assembly, persisted and rendered the task of the royal governors no light one. An attempt to regulate the collection of quit-rents by Governor Johnston called forth a remonstrance from the Assembly, appealing to the terms of the "Grand Deed" of 1668. It was backed by 500 planters in arms, and thereafter the amount of quit-rents collected was almost negligible.[4]

The successful issue of the Yamassee war prepared the way for the settlement of central South Carolina and the territory soon to be known as Georgia. The presence of the Spaniards in Florida had led Governor Nicholson to establish a post and garrison on the Altamaha River. It was soon abandoned, for the site was unhealthy and the establishment expensive. But the threat of St Augustine and the danger of Indians incited by Spaniards to attack the frontier plantations remained. In these circumstances James Edward Oglethorpe had no difficulty in obtaining a charter to establish a buffer colony between the Savannah and Altamaha Rivers. Lands were granted in 1732 to a Corporation of "Trustees for the Colony of Georgia", with full powers of administration for twenty-six years, after which control was to revert to the Crown. As a member of the House of Commons, Oglethorpe had interested himself in the hapless fate of poor debtors confined in the wretched prisons of the period.[5] He proposed to give such debtors a new start in life. He was assisted in his project by Thomas Coram and other philanthropists. Coram had had early associations with New England as a shipbuilder, and had previously taken part in similar schemes for settling disbanded officers and soldiers on undeveloped lands there or in Nova Scotia.[6] The principle of his proposals was to relieve the surplus population by emigrants who should strengthen the frontiers against the enemy and produce naval stores. Thus the Elizabethan conception of colonisation reappears in the new venture in Georgia.

In February 1733 Oglethorpe arrived in the Savannah River with 114 emigrants and there founded a settlement on a well-chosen site, which was named Savannah. Four years later, another settlement,

[1] *Hist. MSS Comm. Rep.* XI, iv, p. 254.
[2] *Carroll's Historical Collections*, II, 478.
[3] *N.C. Col. Recs.* IV. pp. xvii, 424, viii, 161; Bassett, J. S., *Slavery in North Carolina.*
[4] *N.C. Col. Recs.* IV, V; Channing, E., *Hist. U.S.* II, 360.
[5] Wright, R., *Life of Oglethorpe*; Jones, Charles, *Georgia*; Candler, A. D., *Records of Georgia*; *S.C. Col. Recs.* IV; Roberts, R. A., *Trans. of R. Hist. Soc.* IV[th] ser. vol. VI, pp. 73–93.
[6] *Cal. St. Pap. Col.* 1712–14, no. 460, i, etc.; C.O. 217, 2, no. 24.

Frederica, was made on the Altamaha River, seventy miles south of Savannah, whilst a hundred miles north of it a post for the Indian fur trade was established at Augusta. A little to the north of Frederica, some Highlanders settled at New Inverness. Oglethorpe acted as judge and lawgiver of his new colony, but the settlers soon began to resent the paternal nature of his government. They were not allowed to own slaves; the use of ardent liquors was forbidden; and grants of land were restricted to fifty acres per freeholder.[1] These well-meant regulations proved economically disastrous. For the smallholders of Georgia, without slave labour, could not compete with their neighbours in South Carolina, whose large estates were worked by negroes. They were, moreover, in perpetual conflict with the Spaniards, sometimes being attacked, sometimes making expeditions against St Augustine. Oglethorpe returned home in 1743, wearied by these struggles, and the trustees resigned their charter in 1752. Under the administration of the Crown, Georgia received the normal colonial constitution. The debtor settlers made good in their frontier province. But their numbers increased slowly. In spite of a reinforcement of Protestant refugees from Salzburg, they only numbered in 1760 some 5000 whites with 2000 blacks. The climatic conditions had caused them to disregard the founder's instructions both as to slaves and alcoholic liquors.

Reaching from Hudson Bay to Georgia, the British settlements varied in climate from sub-arctic to sub-tropical. Such variety resulted in divergence of products, of population, and of social conditions. Their steady expansion was due to two causes, increase of population and cultivation of the land. British immigrants did not, like the Spaniards, seek primarily for gold and silver, but devoted themselves to agriculture and trade. The southern colonies fed themselves. The middle colonies grew wheat and corn and exported flour and meal to the West Indies, whilst New England sent thither potatoes, vegetables, cattle, horses, and fish, and sawn timber, in return for sugar and molasses. These were needed for the great rum distilleries which had sprung up in Boston, New York, Philadelphia, Medford, N.J., and Newport, R.I. Rum was consumed by the colonists themselves, and used in the Indian fur trade and the African slave trade. The duties laid by the Molasses Act of 1733 on the cheaper sugar and molasses imported from the French sugar islands were largely evaded by smuggling. No great effort was made to prevent it. For the British West Indian sugar planters had no sooner obtained the passing of that Act than they discovered that the solution of their troubles was permission to export their produce direct to Europe, and this permission they obtained. All the northern colonies exported furs and skins, the product of trade with the Indians,

[1] *State of Province of Georgia*, 1740; *True and Historical Narrative of the Colony of Georgia, etc.* (1741), Am. Col. Tracts (Rochester, 1897).

and naval stores to a greater or less extent. But prolonged attempts to preserve trees in the king's woods fit for masts for the Royal Navy were opposed by the New Englanders, who could not be restrained by Acts of Parliament from cutting them for their saw-mills and lumber trade. The northern colonists were to a large extent also a sea-going people. Massachusetts alone was building 150 vessels annually by 1729, and could boast a fleet of 190 sail.[1] Indeed the shipbuilding activity at Boston, Rhode Island, and New York was beginning to cause anxiety in the English yards. These Plantation-built vessels were employed in the carrying trade to the West Indies, England, Spain, and Portugal, but mainly in the coast-wise trade and fishery. All along the coast from Boston to Canso the New England fishermen plied their calling. They took their share in the Newfoundland fishery as well, where they caused much complaint by debauching the English fishermen with rum, and carrying them off as indentured servants to the mainland.[2] In return for their exports of raw material the American colonies imported British manufactures. These were retailed at a profit of from 100 to 300 per cent. All who could afford it wore good English cloth, and only those who could not wore homespun.[3]

Fostered by the Acts of Trade and the policy of the British Government, which discouraged all manufacturing industries in the Plantations, the balance of trade was permanently in favour of the mother country. It grew from about £50,000 a year at the beginning of this period to nearly £2,000,000 in 1760.[4] This adverse balance, which had to be liquidated by the colonies in gold or silver, was made good by trade with the British West Indies, by freight money earned by shipping, and by illicit trade with the French, Spanish, and Danish West Indies and the French and Spaniards on the continent. But the colonies were drained of specie, whilst the growth of the population, the expansion of trade, the expenses of the intercolonial wars, and the inconvenience of barter all created a demand for an increase of currency. British coins were almost unknown in the Plantations. Spanish pieces of eight (*reals*) formed the metallic basis of the colonial monetary system. But their value, though fixed by Act of Parliament, was a fluctuating one. For a long time all payments in Virginia were made in tobacco, in the West Indies in sugar. Wheat certificates were used in Pennsylvania, and there the property tax was made payable in money or flour. In North Carolina seventeen commodities were declared legal tender, and so remained throughout this period. The need for an increased currency was met by paper money. The issue of paper bills of credit was begun by Massachusetts as early as 1690, to defray the expenses of the Quebec expedition. The

[1] C.O. 5, 752, no. 45.
[2] *Cal. St. Pap. Col.* 1715; 1716, no. 70, i, etc.
[3] *Ibid.* 1714–15, no. 673, etc.
[4] Macpherson, D., *Annals of Commerce*, III, 340; Mitchell, Dr John, *The State of the Colonies*, p. 280; cf. C.O. 5, 1093, f. 178.

subsèquent war with the French and the cost of defending the frontier against the Canadian Indians, amounting to £30,000 a year, led to further issues. By 1715 they totalled £474,000. These bills were issued by the Government. But in 1701 a plan was put forward for establishing a Land Bank, to issue paper money on security of land. This scheme was revived in 1714. It was supported by a large body of debtors and others impoverished by the war, who looked to an inflation of the currency as the cure for their financial and commercial troubles. It was opposed by those who favoured restricted government issues with suitable sinking funds. The question long remained a burning one in Massachusetts's politics. As the issues increased, the value of paper money declined. By 1729 it was barely a quarter of that of sterling.[1] At length, the £175,000 sterling voted by Parliament to New England in compensation for the return of Louisbourg was well and wisely applied to the reduction of its paper at the rate of $7\frac{1}{2}$ to 1. In 1751 Parliament forbade further paper issues in New England except for certain stated objects.

Wars with the Spaniards and Indians were likewise the occasion of paper issues in South Carolina. The first was made in 1702 and others followed rapidly, secured on land and crops. Depreciation was soon acute. Bank bills were rated by an Act of 1722 at 4 to 1 in silver. In Pennsylvania the deficiency of coins, caused by contraction of trade with the West Indies after the war, was made good by an issue of bills for £50,000 in 1723, which was followed by others for small amounts. A limited paper currency of this kind proved wholly beneficial.[2] The danger lay in excess. The wise policy of the Council of Trade was to restrain the amount of the issues, to secure the provision of adequate funds to sink the bills, and to see that such provisions were not altered by appropriations and diversions by subsequent Assemblies, as in the case of Carolina and New Jersey. To this end, governors were forbidden to assent to bills for further issues without a clause suspending their operation until they had received the assent of the Crown.[3] The need for such wholesome restraint was proved by Rhode Island, where no such control could be exercised. There the paper currency became a veritable political scandal. Bills for half a million were issued to private individuals in proportion to their political influence. By the end of this period the resulting depreciation was so great that the exchange stood at 32 to 1.[4] Where depreciation became too great, reversion to barter ensued. One of the difficulties with which the struggling post office in Virginia had to contend was that there were no small coins, and the postage was smaller than the smallest bill.[5]

[1] C.O. 5, 898, no. 64; cf. Hutchinson, Thomas, *Hist. of Mass.*; Davis, Andrew, *Currency and Banking in Mass. Bay.*

[2] *Pa. Votes*, II, 483; III, 32; Franklin, B., *Works*, II, 254.

[3] *A.P.C., Col.* III (1720).

[4] Rider, Sidney, *Rhode I. Hist. Tracts*, 1st ser. VIII.

[5] *Cal. St. Pap. Col.* 1710, no. 437.

Posts were already in operation in Pennsylvania and New Jersey, as well as between Boston and New York and Williamsburg, when Parliament established a General Post Office for all His Majesty's Dominions in 1710. Letters cost 4*s.* an ounce from London to New York. Mr Dummer's service of packet boats to the West Indies and New York had been ruined by captures in the French wars. A fortnightly service to New York was reopened in 1755.[1] Inland, communication improved slowly. Main roads were built from Boston to New York, and from Philadelphia to Maryland, Virginia, and Carolina. But for the most part, especially in the south, bridle tracks prevailed, and water transport by rivers and coasting sloops. As late as 1731 one-third of the Assembly of New York came to town by river.[2]

Facilities for education varied greatly in the several colonies. In New England not only had Harvard College been founded in 1636, but from the earliest times in every township of fifty householders in Massachusetts and Connecticut elementary schools had to be provided, and schools for higher education in those of one hundred. In the middle colonies great diversity of religious belief militated against the establishment of any general school system. There were several schools in Pennsylvania, and there the Academy at Philadelphia provided a liberal education, thanks largely to the efforts of Franklin (1749). Otherwise, the colleges founded in the eighteenth century, such as Yale (Connecticut, 1716), and Princeton (New Jersey, 1746), were designed principally for the training of clergy. Dartmouth College (New Hampshire, 1769) was intended to train Indians as missionaries. In Maryland, every county was required to have a school. In the southern colonies, the conditions of education as of labour were similar to those in the West Indies. Virginia had a dozen free schools, but rich planters usually maintained a tutor or sent their sons to school and college in England. Here, too, Lieutenant-Governor Nicholson and James Blair had founded, with help from England, the College of William and Mary for the education of youthful Virginians and the sons of Indian chiefs (1691). Virginians, too, could boast of writers like Beverley, Byrd, and Stith, who could write the history of the Dominion with elegance and ease.

The first regular newspaper, the *Boston Newsletter*, was published in 1704. In 1721, James Franklin began to publish the *New England Courant*, and successfully resisted an attempt by the Assembly to impose a censorship of the press. His brother Benjamin, after making his way as a journeyman printer, founded the *Pennsylvania Gazette*. The first number of the *New York Weekly Journal* appeared in 1733. It was published by John Peter Zenger, whose trial for libel was undoubtedly one of the turning points in American history. When Governor William Cosby, a strong-willed Irish soldier, arrived in New York, he called upon Rip van Dam, who had acted as lieutenant-governor

[1] *Cal. St. Pap. Col.* 1708, no. 10; 1712, no. 10, i. [2] C.O. 5, 1055, f. 210.

before his arrival, to refund half the emoluments received since his appointment, in accordance with the usual practice and instructions. Van Dam refused. As Cosby was himself chancellor, he could not have the case tried in Chancery. He therefore took it to the Court of Exchequer, before judges sitting as a Court of Equity. The right of governors to constitute courts had long been challenged in the colonies, but was consistently maintained as part of the prerogative of the Crown. When the legality of a court which had no statutory basis was now again questioned, the chief justice, Lewis Morris, a man of great political distinction, admitted its invalidity, and retired from the bench. He appealed to the people, obtained decisive victories at the elections, and defended his position in Zenger's paper. Zenger was prosecuted for publishing a false and scandalous libel. His counsel, Smith and Alexander, questioned the validity of the court, and were promptly disbarred. But Andrew Hamilton, a Scottish lawyer of consummate ability and a leading figure in public life in Philadelphia, suddenly appeared for the defence. He was now eighty years of age. His eminence in the profession compelled the judges to listen to him. They ruled that it was not necessary to prove that the publication was false; and that it was for the court to decide whether it was libellous. The jury had only to decide the fact of publication. With rare eloquence and close argument, Hamilton then appealed to the jury for a verdict in the cause of liberty—the liberty of "exposing and opposing arbitrary power", and won his case (1735). He did more. Not only had he persuaded an American jury thus to break away from the rule of English courts, but also to strike a blow for the right to discuss and oppose the Government in the press.[1]

Meanwhile lands were being rapidly taken up, and the spaces towards the frontiers and the coasts occupied. Townships developed and multiplied. Northwards towards Canada, southwards towards Florida, westwards towards the Alleghanies, expansion took place. In some directions, as in New York and Massachusetts and Virginia, this process was delayed by the excessive grants of lands made to individuals. The Council of Trade endeavoured with some success to rectify land speculation of this kind in New York and Virginia.[2] But its alternative policy of small holdings of fifty to a hundred acres, as in Nova Scotia and Georgia, was found to discourage settlers.[3]

The population is said to have doubled itself every twenty years, mainly by natural increase of the native-born. The censuses are imperfect, but conjectural estimates give the total number of whites in 1720 as 339,000, and blacks 96,000.[4] The combined population had

[1] Channing, II, 488 seqq.; Osgood, II, 443 seqq.; Chandler, *American Criminal Trials*, I, 159 seqq.

[2] *Cal. St. Pap. Col.* 1699–1713, *passim*.

[3] C.O. 5/971, no. 34; 5/898, no. 62.

[4] Doyle, J. A., *English in America*, vol. III, app. I.

risen to 1,500,000 in 1760, of which 299,000 were blacks in Maryland and the south. Only about 8 per cent. of the 878,000 inhabitants north of Maryland were negroes. For in the northern colonies, where grain was raised, climate and occupation were more suitable for white labour, and negro slaves were kept chiefly in the port towns. Wages were high and the demand for free labour and indentured white servants was constantly increasing. Some colonies, however, endeavoured to protect themselves against the importation of felons, but their acts were annulled by the Home Government.

South of the Potomac the conditions of climate and labour were more suitable for negroes. In Virginia the number of slaves rose from 12,000 in 1708[1] to 150,000 in 1760, forming half of the total population. They were reckoned as chattels or merchandise, and laws, brutally severe, sanctioned burning and mutilation among their punishments. Insurrections or conspiracies, as in New York in 1712 and 1741, sometimes caused panic executions and legislation, which some governors did their best to restrain.[2] On the other hand, there was a growth of feeling against slavery. In Massachusetts, Samuel Sewall[3] argued that all men had a right to liberty, and in Pennsylvania, whereas Penn had owned slaves without a qualm, Friends in 1758 were advised to set their negroes at liberty.[4]

In race, as in religious and political outlook, New England retained its homogeneity, in contrast to the middle colonies, where to the original Swedish and Dutch populations were added waves of immigration. Encouraged by the British Naturalisation Act, and by their generous reception in England, Protestants from Switzerland and refugees from persecution in the Rhenish Palatinate began to pass in increasing numbers through Holland and England to the American colonies. The movement began in 1708, when a few Palatines under Joshua von Kocherthal, a German minister, came to England, and were sent to New York. There they founded Newburg. In the following year 13,000 poverty-stricken refugees from the Palatinate arrived in London. Some hundreds of these went to North Carolina, together with some Swiss immigrants, and founded New Berne. They were led by Baron Christoph de Graffenried, who had received large grants of lands from the lords proprietors.[5] Another 3000 were sent over with Governor Hunter and settled in New York. They were to receive forty acres apiece after they had paid for their passage and subsistence by the manufacture of naval stores. This early experiment in state-aided emigration was not a success. The Palatines proved mutinous, and before their work came to fruition, the Tory ministry stopped supplies. Hunter, nearly ruined by supporting them, was obliged to allow them to shift for

[1] *Cal. St. Pap. Col.* 1708, no. 216.
[2] *Ibid.* 1711–12, no. 454; 1712–14, nos. 293, 525, etc.; 1714–15, no. 673.
[3] Sewall, S., *The Selling of Joseph*, 1701. [4] Sharpless, I., *Quaker Government*, I, 432.
[5] Graffenried's Narrative, *N.C. Col. Recs.* I.

themselves.[1] Some settled on lands purchased from the Mohawks in the frontier valley of Schoharie, others along the Mohawk River, forming, with Fort Hunter and Oswego, the new frontier of New York[2] (1726). Some, at the invitation of Lieutenant-Governor Keith, settled on the north-west frontier of Pennsylvania. Their leader, Conrad Weiser, long served the Pennsylvanian government in negotiations with the Indians.[3]

New York had thus hardly fulfilled the hopes of wealth and liberty held out by the "Newlanders", as the emigration agents were called. Accordingly the greater part of the 75,000 Germans who crossed the Atlantic after 1717 was attracted rather to Pennsylvania. There they helped to settle the western frontier as far as the Susquehanna. Others passed onwards along the Shenandoah Valley into the Valley of Virginia and North Carolina and western Maryland, forming always a barrier force on the western frontiers.[4]

In South Carolina, Swiss emigrants brought by John Peter Pury of Neuchâtel under contract with the Government to cultivate vines and silk, founded Purysburg on the Savannah River in 1731. Other German settlements continued to be made in the neighbourhood, along the Edisto and Congaree Rivers, until the central and south-western part of the province was to a considerable extent peopled by them. These German emigrants had little influence politically. They were the product of an economic as well as a religious movement. Sold as indentured labourers and servants to farmers in the interior, they passed through a term of toil and servitude to possessions and freedom they could not have attained at home. They formed agricultural settlements, where they kept to their own language and customs, and left the government to the British settlers. Their chief importance was as an occupying force, destined to form part of a new civilisation not wholly British in character, and as helping immediately in the westward movement to the mountains. All such foreign Protestants who had resided in the colonies for seven years were naturalised by an Act of Parliament in 1740. Before that, foreign-born immigrants had been naturalised in the several colonies, either by special act or general law, as in New York in 1715, and in Massachusetts in 1731.[5]

Purely British elements were contributed by the emigration of disbanded soldiers, Jacobites, and the transported felons. Many Scottish prisoners, military and political, after the risings of 1715 and 1745, were sent to the Plantations and sold into service.[6] Others came of their own accord, and founded separate settlements, as in North

[1] *Cal. St. Pap. Col.* 1710–15, *passim.* [2] *N.Y. Col. Docs.* v, 460–634.
[3] Walton, Joseph, *Conrad Weiser and the Indian Policy of Colonial Pennsylvania.*
[4] Hercheval, *History of the Valley of Virginia*; Wayland, *The German Element in the Shenandoah Valley*; Schmidt, *History of German Element in Virginia*; Faust, *Virginia Mag. Hist.*
[5] *Cal. St. Pap. Col.* 1715, nos. 435, 530; *Mass. Provincial Laws*, II, 586.
[6] *N.C. Col. Recs.* IV, p. ix; *Cal. St. Pap. Col.* 1716, nos. 309–314.

and South Carolina. Many Irish Roman Catholics settled in Maryland, and many Protestant "Scottish-Irish", mainly from the north of Ireland, on the borders of New England and Nova Scotia,[1] or passed through Philadelphia and made their way south and west.

The German Protestants were for the most part Baptists. Their several sects—Mennonites, Dunkers, Schwenkfelders, Moravians—derived from that "Pietism" which was a revolt against the formalism of the Lutheran and reformed Churches. By their insistence on simplicity of life, liberty of conscience and a popular Church, they represented essentially the same tendencies as Quakers and Methodists. It was, indeed, from the Moravians in Georgia that John Wesley learned the Pietistic features of their faith, which led to his foundation of Methodism. Eager for missionary work among the Creeks and Cherokees, they had obtained a grant of land there. But their refusal to bear arms against the Spaniards (1737) led to their removal and settlement at Bethlehem, Pa., near the abortive settlement of Nazareth, where George Whitefield had attempted, in 1740, in conjunction with them to found a school for negroes.[2] With Scottish-Irish immigrants, the influx of Presbyterianism advanced steadily, in spite of attempts at repression as in Virginia, and Baptists also increased all over the continent, especially in North Carolina. There were relatively few Roman Catholics in the colonies. Where they were most numerous, the laws against them were severest. In Maryland where, owing to its origin, they formed about one-thirteenth of the population, they were penalised by a double tax, and disfranchised if they refused to take the oaths appointed, whilst their neighbourhood to Virginia led to restrictive legislation in the Old Dominion. In general, the proximity of French Jesuit missionaries and their intrigues with the Indians, and resentment at the political interference of the Pope, helped to keep the colonists intensely hostile to Roman Catholicism. In New England, every township had a Congregational Church, which formed the centre of its society. It was only by degrees that some toleration was extended to other denominations.[3] In New York and New Jersey, where politics blended with ecclesiastical issues and the suspicion of Jacobitism hung over many of the Anglican clergy, it was said that the proportion of Anglicans to Dissenters was one to forty.

Under the influence of the Anglican reaction the Church of England began to take a more active part in colonial life. The Bishop of London was assigned ecclesiastical jurisdiction as metropolitan of the colonies. He was represented by Commissaries, of whom the most eminent were James Blair of Virginia and Dr Bray of Maryland. In Virginia, Maryland, and the Carolinas, the Church

[1] C.O. 5, 898, nos. 55, 61.
[2] *Transactions of the Moravian Society*; Levering, *Hist. of Bethlehem.*
[3] *Cal. St. Pap. Col.* 1714–15, pp. v, vi; C.O. 5, 752, no. 45.

of England was established by law. Unhappily, the character of the clergy was deplorable, save in South Carolina, where the Church had to compete with dissenting sects and the ministers were mainly supplied by the Society for the Propagation of the Gospel.[1] Towards the middle of the century, a demand for a resident American bishop was raised by those who wished to improve the status of the colonial clergy. The project was viewed with alarm by the dissenters of New England and the middle colonies. Rather than rouse old controversies, Walpole and Newcastle rejected Bishop Sherlock's proposal.[2] It had been urged also by George Berkeley, Dean of Cloyne, who had settled in Rhode Island with the object of founding a training college for priests of the Established Church. His scheme failed for lack of funds,[3] and perhaps for want of proper direction.

It was largely due to the advocacy of Commissary Blair that the venerable Society for the Propagation of the Gospel in Foreign Parts had been founded in 1701. Its missionaries laboured not only to convert the Indians and negroes, but also to draw Quakers and other dissenters into the Anglican fold. Their efforts were resented, and the close connection of the Society with the British Government caused it to be regarded as part of a political design to exercise greater control over the colonies. Yet their work was not without effect even in New England, and especially in Connecticut. At Yale College, many undergraduates were converted to the Anglican creed.[4] It was at Yale that Jonathan Edwards was trained, whose preaching in Massachusetts in 1734 began that great revival of religious enthusiasm known as the "Great Awakening". He was followed by George Whitefield, an ordained priest of the Established Church, who came to Boston from Georgia in 1740 and travelled through the colonies from New England to the south, preaching often in the fields and with Edwards making thousands of converts.[5]

[1] Hawks, F. L., *Contributions to the Ecclesiastical History of the United States*, II, 249; Bishop Meade, *Old Churches, etc. of Virginia*, II, 351.

[2] Newcastle Papers, printed in Cross's *Anglican Episcopate*, app. XI.

[3] Fraser, A. C., *Works of George Berkeley*; Foster, W. E., *Amer. Antiquarian Society Proceedings*, April, 1892.

[4] Osgood, H. L., *Amer. Cols. in the Eighteenth Century*, vol. II, chap. i; Perry, *Hist. Amer. Episc. Church*, vol. I; *Hist. MSS Comm. Rep.* XIV, app. R, p. 32.

[5] Tracy, Joseph, *The Great Awakening*; Edwards, Jonathan, *Thoughts on the Revival of Religion in New England*, 1740.

CHAPTER XIV

THE GOVERNMENT OF THE EMPIRE, 1660–1763

To discover the origins of government in the British colonies in America one must examine the efforts of private proprietors, corporations, and individuals to establish order and produce contentment in the Plantations which they were setting up in the New World, for none of the early settlements overseas was projected or carried out as an act of official enterprise. Though Virginia, Barbados, and Bermuda became royal colonies in the seventeenth century, each had already established the main features of its government while still in private hands. Each had a governor, council, and Assembly; each was making its own laws with the approval of its proprietor; and each was subject, within certain limits, to proprietary supervision and control. The Crown, on taking over these colonies, continued, after some consideration of other plans, the forms of government already in operation.

With Jamaica, the Leeward Islands, Massachusetts Bay, and New York—the only other colonies that came into the hands of the Crown in the seventeenth century—the case was somewhat different. Jamaica was a conquered province, the Leeward Islands, though possessing independent governments of their own, remained under Barbados until 1671; Massachusetts Bay, deprived of its charter in 1684, suffered serious curtailment of its self-governing powers, when it was merged in the Dominion of New England in 1686; while New York, likewise a conquered province and for twenty years a propriety under the Duke of York, remained a royal colony without an Assembly for three years, after which it, too, became a part of the same Dominion. In the last two instances, Stuart policy preferred an executive form of government as most suitable for a colony, and rejected the established practice of the older colonies where popular Assemblies had become an accepted part of the colonial system. But with the Revolution of 1689, rule by governor and council without Assembly came to an end. When, in 1691, Massachusetts Bay and New York emerged from the aftermath of the Revolution, each received the familiar form of government by governor, council and Assembly, and these were the last of the seventeenth-century settlements, under the old British system, to reach a self-governing basis. Jamaica and the Leeward Islands offer a different story. One was a newly acquired tropical island, where heat bred animosity and people died very fast and suddenly (as Governor Inchiquin said); the other, a group of four small islands, lying in close proximity to each other, too small

for complete separation, yet too far away and self-sufficient for permanent union under a centralised control.

Jamaica for the first five years was under military rule; in 1661 civil government was set up with governor and council, though an Assembly was not called until 1663. For a short time laws were passed either by the governor and council or by the Assembly; but in 1664 this dual system was given up, and governor, council, and Assembly became the law-making body. However, as the laws thus passed lasted for only two years unless confirmed by the Crown, and as in fact they remained without attention from the Privy Council for more than ten years, the colony was obliged to hold biennial Assemblies in order that the people should not be without the necessary legislation. Among these laws, passed in 1664, was one declaring the laws of England in force in the island and designed, as Governor Modyford wrote, to make the colonists "partakers of the most perfectly incomparable laws" of their native country. These together with its own "municipal laws", as he called them, were expected to meet the needs of the colony. But in 1677, the Lords of Trade, newly in office and the first body to give serious thought to the form a governor's instructions should take, found themselves facing a perplexing situation in the colony: laws in force for but two years unless confirmed; laws not confirmed in England for ten years; the colony holding biennial sessions; revenue insufficient and temporary; fortifications out of repair and no funds with which to improve them.[1] They, therefore, made a new experiment in colonial history. Construing Jamaica and Virginia as in the same class with Ireland—Plantations under the Crown—they decided to apply to them Poynings's Law. In 1677 in the instructions to Carlisle (Jamaica) and in 1679 in the instructions to Culpeper (Virginia) they recommended, and the Privy Council consequently ordered, that the Assemblies meet only at the direction of the King, and that all laws already passed be sent to England and thence returned for the consent of the Assemblies, "as laws originally coming from your Majesty". Such laws were to be passed under the style "Be it enacted by the King's most excellent Majesty by and with the consent of the General Assembly".[2] Had this instruction been enforced it would have taken away from the Assembly all powers of initiation and deliberation, particularly in matters of revenue. There is nothing to show that Culpeper ever disclosed his instructions to the Assembly in Virginia, and the matter is taken much too seriously by Virginia historians.[3] The Assembly there, willingly enough, passed the three acts which he brought over—a naturalisation act, a revenue act, and a Bacon's rebellion act—even though these acts were drawn up in

[1] *Cal. St. Pap. Col.* 1677–80, p. 368.
[2] *A.P.C., Col.* I, no. 1177; *Cal. St. Pap. Col.* 1677–80, nos. 412, 480, 641.
[3] *Cal. St. Pap. Col.* 1677–80, nos. 971, 973, 1210, 1211; P.R.O., Colonial Office, 5/1355, p. 334; Wertenbaker, *Virginia under the Stuarts*, p. 226.

England; and the interference went no further. But the Jamaica Assembly, aroused by Governor Vaughan to a sense of its own parliamentary importance, rejected the plan completely and gave its reasons therefor, among which was the "superiority of the former system". The Lords of Trade, taking a very exalted view of the King's prerogative, answered the objections of the Assembly, threatening to revert to an executive form of government and declaring that the Assembly had no right except by the King's favour to meet or to pass laws at all. But in the end they capitulated without reserve. In 1680 they agreed that the Assembly in Jamaica was to meet "after the manner and form now in practice, to make laws with the advice and consent of the governor and council, such laws to be agreeable, so far as may be, with the laws of England, and every one thereof to be transmitted to England within three months. The King reserves the right of disallowing laws and gives the governor the power of veto".[1] The most important outcome of this experiment was the obtaining for the King's use in Virginia the two shillings a hogshead export duty in perpetuity and the starting of a train of events in Jamaica which led to the passage of the permanent revenue act of 1728, in return for the Crown's consent that the island enjoy all such laws and statutes as had been "at any time esteemed, introduced, accepted or received" there.

Of equal interest, constitutionally speaking, was the experiment tested in the Leeward Islands, where the imperative demands of war, the need of unity in legislation, and the desirability of financial co-operation called into being a remarkable attempt at a form of federal organisation. The four islands, Antigua, the largest and wealthiest, St Christopher, the mother island, Nevis, and Montserrat, were settled in the years following 1623 and almost from the first had local Assemblies, each with a deputy-governor, under a governor-in-chief, Sir Thomas Warner, the earliest of England's colonisers in the West Indies.[2] Warner, appointed governor of St Christopher in 1629 by the Earl of Carlisle, whose proprietary claims had been finally established in that year, and a third time "governor and lieutenant-general of the Caribbee Islands" by the parliamentary commissioners for Plantations in 1643, laid the foundations so strongly that the system weathered the Restoration and the separation from Barbados in 1671. Under Wheler, the first royal governor-in-chief, properly so called, of the Leeward Islands, each island had its lieutenant-governor, council, and Assembly and continued to retain this familiar form of local government throughout the eighteenth century.[3] The Assemblies

[1] *Cal. St. Pap. Col.* 1677–80, nos. 954, 1009, 1030, 1239, 1570, 1648.

[2] *Vide supra*, p. 143.

[3] Harlow, V. T. (ed.), *Colonising Expeditions to the West Indies and Guiana*, 1623–67 (Hakluyt Soc.) and *Hist. of Barbados*, 1625–85; Watts, A. P., *Colonies anglaises aux Antilles*, 1649–60; Williamson, J. A., *Proprietary Government in the Caribbees*; Higham, C. S. S., "General Assembly of the Leeward Islands", *E.H.R.* April-July, 1926.

were small in size and in later years the councils tended to play a dominant part in the administration, the lieutenant-governor being seldom resident.[1] In the eyes of the British Government these islands formed a single royal colony, with a single governor-general, but in fact they constituted four separate governments, each with its local interests, prejudices, jealousies, and rivalries, which created among them strong individualistic traits. Communication between the islands was difficult and slow, and the governor frequently spent four or five months making his yearly tour of them.

In 1674 Wheler was recalled and Sir William Stapleton, "one of the best governors the King had in any of his Plantations",[2] was sent out in his place. As sole governor he soon felt the need, particularly in time of war, of greater co-operation and advice, and early began to call into consultation members of the local councils and Assemblies of the four islands.[3] Soon he conceived the idea of a kind of General or Federal Assembly with legislative powers—"A General Council and Assembly of the Islands", it was usually called—and he outlined his plan in a letter to the Lords of Trade, 16 August 1682.[4] This body was to be made up of two or three members of each council and a like number of representatives, locally appointed or elected on instructions from the governor-general. The home authorities raised no objection to the plan either at this time or afterwards. The first meeting was held at Nevis in November 1682, and others, at intermittent periods on the call of the governor, were held until 1711. The federal machinery consisted of a council (eight), and an Assembly (twelve), the latter after 1692 elected in each island by the freeholders. While the General Assembly was in session, the local Assemblies were supposed to dissolve, though there appears to have been some difference of opinion on this point. The new legislative body encountered two main obstacles: one, the unwillingness of each colony to accept as binding any act of the General Assembly that was not formally approved by their representatives present or that conflicted in any way with their local law; and the other, their unwillingness to consider the creation of a federal fund or any form of federal levy, so that all expenditure had to be met by joint action among the local treasurers.[5] The elder Codrington, whose letters are always breezy, became at one time so exasperated that he recommended the annexation of the colonies to the kingdom of England with representation in the English Parliament, in order that he might be delivered from their "turbulent practices", and begged that the local militia be subjected to the discipline of the King's troops, for, he added, "the trouble of governing a voluntary army is inexpressible".[6]

But as long as the islands suffered from the menace and danger of

[1] Edwards, Bryan, *West Indies* (1801), II, 396–7.
[2] Higham, p. 194.
[3] *Cal. St. Pap. Col.* 1677–80, no. 732.
[4] *Ibid.* 1681–5, no. 654.
[5] Higham, pp. 197–8; *Cal. St. Pap. Col.* 1701, no. 1132.
[6] *Cal. St. Pap. Col.* 1689–92, pp. 355, 356.

war, the General Assemblies continued to meet. Laws were passed, taxes were levied for local expenditure, and the business of shaping the constitution and procedure of the Assembly was continued. Whenever peace came, as at Ryswick in 1697, the separatist influences revived, and in some quarters the opposition went so far as to demand complete independence for each island in all matters of civil concern. When war again threatened, as in 1701, the need of centralisation was felt, and the General Assembly was restored. But as the years passed, the latter gradually lost ground. With the arrival of Governor Parke and the disorders which accompanied his unfortunate administration, the quarrel between local rights and the royal prerogative reached its height. A last Assembly met to enquire into the circumstances of Parke's murder, December 1710, and sat from February to March 1711; but at its own request it was dissolved and for more than eighty years never met again. Particularism and the jealous maintenance of local rights won the day over centralisation and a system of federal co-operation. In the history of these four little islands in the West Indies, we find many of the features that characterised the struggle of the larger continental colonies, first against any sort of federal union under the Crown, and later to organise a federal system after independence had been won.

Thus by the beginning of the eighteenth century all experiments with different varieties of government for the royal colonies in America came to an end, and a normal type of organisation, familiar to us as the "old representative system", became established. This system prevailed everywhere (except in Connecticut and Rhode Island, which were completely self-governing), for even in the proprietary colonies, all but two of which were destined to become royal before the middle of the century, conditions were essentially the same, the proprietor taking the place of the King. The government consisted of a governor and council, representing the outside control of the royal prerogative, and an elected Assembly, representing the voting constituencies of the colony. In the development of the system from its early beginnings, though variations appear in practice and procedure, the characteristics and tendencies were everywhere the same. On the other hand, throughout the entire period to the American Revolution grave differences of opinion prevailed between the Home Government and the delegates in Assembly as to the relative importance of the executive and legislative branches of the government and the place that the Assembly should occupy in the composite group. To the King and his advisers the dominant factors in the government were the governor and council, who drew their authority from the prerogative and in whose hands lay the ultimate control of all administrative, financial, and judicial business; while the popular Assembly was in an inferior position, partaking of the nature of a provincial or municipal council, the function of which was

the passage of by-laws and ordinances for meeting the immediate needs of the colony itself. Despite the various attempts that were made, between 1664 and 1689, to prevent the establishment of a popular Assembly, as in New York and New England, or to deprive such Assembly of the right of initiation and deliberation, as in Jamaica and Virginia, the presence of such a representative body was everywhere recognised before the end of the century, as essential to the prosperity and good government of a colony. But there was no intention at home of allowing the popular branch of the government to diminish in any way the power of the prerogative in America, for the King and his ministers saw no parallel between the position of the Parliament in England, which had won its preponderant influence through a steady encroachment on the powers of King and Council, and the position of the Assemblies in America in their relation to the governors and their councils there. As events were to show, the struggle in one case was similar in principle to the struggle in the other. For the first century and a half the constitutional conflict in America was between the popular Assemblies and the prerogative; and it was not until that victory had been won and the growth of these Assemblies had led to the decline of the royal system of government in the colonies, that they were destined to face the British Parliament as the great antagonist.

After 1689, the ultimate control of affairs within the realm of England and in the colonies lay in the hands of Parliament, the supremacy of which appears in the not infrequent threats of royal officials to call upon that body to legislate when the colonies seemed unusually contumacious, and in their efforts to obtain from that body increased authority for the King in America. It seems strange at times that Parliament did not intervene, especially when the colonies were flouting the Royal Instructions, in such cases, for example, as the passage of perpetual revenue bills; but the explanation probably lies in Parliament's fear of any action that would increase anywhere the powers of the Crown. It limited its activities to the supervision of colonial trade and its attendant interests, chiefly of a financial nature, and in but very few instances dealt with matters that affected colonial government. There can be no doubt but that in the eighteenth century it considered itself wholly competent to legislate for the colonies and that the colonies recognised without serious demur its right to do so. It is equally clear that before 1765 Parliament held almost entirely aloof and left to the King and Privy Council complete oversight of colonial affairs, taking care, however, that at their hands there should be no increase of the prerogative, which was a matter of the common law, unless ousted or restrained by statute. Thus, in fact, in all that concerned the government in America, the King and Privy Council constituted the highest authority in the kingdom and their decisions were final. They constituted the

ultimate court of appeal in civil, criminal, and admiralty matters, and they alone could give legal sanction to the recommendations of the Board of Trade. The executive departments of the Treasury and the Admiralty exercised their functions only by virtue of their commissions from the King, and only as servants of the King could the secretaries of state perform their duties.

Throughout the period under consideration, colonial administration was never conceived of apart from the regular government of the realm. Towards the end of the seventeenth century, as interest in the colonies increased, an occasional official was appointed for colonial purposes, such as the surveyor and auditor-general of all the royal revenues arising in America, whose business it was to bring the royal revenue in the Plantations "under a more certain method of account",[1] in a manner similar to that employed by other auditors of the Exchequer in England. There were also a few officials and clerks appointed in the London Custom House to take charge of such revenues as the Plantation duty and the $4\frac{1}{2}$ per cent.; and in the office of the Secretary of State for the Southern Department is found an occasional extra official who was the custodian of papers accumulating as the result of relations with the colonies. But these were exceptional. Generally speaking, no new machinery was set up for the supervision of the colonies. By enlargement and adjustment the prevailing system was adapted to meet the new demands, and even these demands did not become serious until after the middle of the eighteenth century. Except in the case of the papers of the Board of Trade and the Secretary of State, no special files of documents were set apart containing the record of business done with America and the West Indies. In the various offices of the Admiralty, Treasury, and War Office, in the Custom House, Post Office, and High Court of Admiralty, the details of colonial administration were entered in the regular books or filed in the regular bundles that contained the record of official business done in England or elsewhere as part of the ordinary routine of the day.

With but few exceptions, every official in a royal colony exercised his authority by virtue of a grant from the King either directly, or through one of the executive departments in England, or through the governor or secretary in the province itself. This delegation of power created in the colonies a group of office holders—chief among whom was the governor himself—who held their offices at the King's pleasure and considered themselves responsible to the King alone. These offices of governor, lieutenant-governor, secretary, attorney-general, receiver-general, deputy auditor, provost marshal, sheriff, naval officer, and collector of customs—were held as a property, sometimes even as an investment from which a profit might be made. Though the method of appointment varied—some of the appointees being patent

[1] *Massachusetts Col. Recs.* v, pt II, 521–6.

officers and some provincial officers, some commissioned under the great seal, others under the signet or sign-manual, and still others under the provincial seal—and though in the different colonies the same official might be appointed in different ways, the general fact remains that ultimately the King was the source of all authority exercised by the officials in a royal colony and thus stood at the apex of the entire official system in America. He expressed his will and pleasure in a variety of forms—commissions, instructions, and royal warrants, the last usually countersigned by a secretary of state or other official or board concerned, but he appears to have followed no certain plan or precedent in the delegation of his powers. For instance, in Jamaica all royal officials held by patent under the great seal, while in the Island of St John (Virgin Is.) all received their authorisations under the sign-manual. In other colonies, the proportion of patent officials to provincial officials varied widely. At best, the whole system of appointment seems to have been somewhat casual, though a tendency can be discovered, due partly to the policy of consolidation and partly to the desire for patronage at home, to concentrate appointments as much as possible in the hands of the leading officials in England.

The King never acted alone, but always in conjunction with his advisers, the members of the Privy Council, with whom he sat as the King in Council, constituting the most important executive body in charge of colonial affairs. Its range of interest was a wide one. It received petitions and appeals from the colonies, of both a financial and a judicial nature; confirmed or disallowed colonial laws; placed its imprimatur on drafts of governors' commissions and instructions; approved appointments to colonial councils; appointed commissioners of review in colonial boundary disputes; exercised an ultimate authority in cases of controversy between governors and royal appointees in the colonies; considered with care and concern the proper development of colonial resources; sought to protect the Plantation trade, and endeavoured to meet as far as possible the demands of imperial defence. As time went on, its activities settled down into a fairly fixed routine, covering petitions and grievances, appeals from colonial common law courts and, after 1745, from colonial vice-admiralty courts, review of colonial legislation, and commissions and instructions to colonial governors. Decisions took the form of Orders of the King (or Queen) in Council, the most authoritative expression of the royal will that could be uttered and without which no executive action could legally be taken.

Powerful as the Privy Council appeared to be in law, it was in fact a registering and not a deliberating body. The real work was done by the Committee of the whole Council, that is, the Council sitting as Committee, in which capacity it had somewhat the importance of a department. All matters that came before the Council were immediately referred to Committee and there debated

and discussed. The Committee could call in witnesses, deponents, and counsel, hear plaintiff and defendant through their agents or lawyers, send for information from any source whatever, and deliberate as to the character of the report to be made to the Council itself. Appeals from colonial and vice-admiralty courts involving points of law never went beyond the Committee, and matters of a military nature were generally acted upon without further reference; but in by far the greater number of cases the Committee in an Order of Council referred the business to some other board or department—the Board of Trade, the Admiralty, the Treasury, the Master-General of the Ordnance, the Commissioners of the Customs, the Secretary at War, or the Attorney and Solicitor-General. When in reply the Committee received a report or representation regarding the matter in hand, it took the recommendation under advisement; sometimes it sent it back for further consideration or additional information, or even despatched it elsewhere for examination and further report. When all the preliminary work had been completed, the Committee made its own report to the Council, which embodied this report, without alteration or change, in a formal order. It is true that in a majority of cases the Committee accepted the advice of its referees without further debate, so that nearly all Orders in Council relating to the colonies rest ultimately on a decision of some board or department and represent the opinion of that body. It is also true that the Committee sometimes took its own time about the business before it, and that many cases remained undecided for years or were never acted on at all; but at that time, slackness and inefficiency were characteristic of administration generally, particularly in all that concerned the colonies.

The most important body advisory to the King in Council on all that was happening in America was the Board of Trade, commissioned by William III in 1696. This small group of eight men, supplemented by the occasional attendance of certain of the high officials named in the commission, including the Bishop of London after 1702, sat for eighty-six years. Though the *personnel* changed frequently and the Board passed through periods of varying efficiency, reaching its lowest level of ineptitude and indifference between 1730 and 1748, it carried out with a considerable measure of success the terms of its commissions. It pursued its enquiries into all phases of colonial administration, but its main object was to deal with trade and with the Plantations chiefly as they promoted a favourable balance of trade for the realm. The members, representative of the eighteenth-century ruling class, were mercantilist in their principles and policies, and were strict constructionists in all that concerned the interpretation of the Navigation Acts, the prevention of manufacturing in the colonies, the advancement of the interests of the merchants, and "the careful and strict maintenance of the just prerogative" of the King. In the hundreds of reports and representations

which they sent to the Privy Council, the House of Lords, and the House of Commons and in the letters which they wrote to the Secretary of State, the Treasury, the Admiralty, the Commissioners of the Customs, and the governors and others in the colonies, they upheld the mercantilist point of view, with strict regard for tradition and precedent, and insisted to the end that the colonies should remain, apparently for ever, in a position of dependence and subordination, subservient to the mother country and contributory to her prosperity and power. In reaching their opinions, they sought information and advice from a great variety of sources, including hearings at the Plantation Office and correspondence with departments and officials both in England and America. Among their most influential advisers was their standing counsel, first appointed in 1718, whose rulings on colonial legislation determined in most cases the decision of the King in Council as to the confirmation or disallowance of colonial laws. For example, Francis Fane, K.C., who served in this capacity for twenty-one years and was for a number of years afterwards a member of the Board itself, must always be considered as having played an important part in shaping England's relations with her colonies.[1] Although the Council in Committee sometimes altered or refused to accept the recommendations of the Board, its reasons for doing so were not based on any opposition to the policy involved, for the members of the Privy Council were probably as mercantilist as the members of the Board. Though the latter had no executive powers, their influence in shaping executive action was very great. The Plantation Office was a workshop in which was prepared material for many important official documents. Large numbers of Orders in Council, royal warrants counter-signed by the Secretary of State, the Treasury, and the Admiralty, and even occasional royal proclamations and Acts of Parliament found their origin in the activities of this office.

The Treasury, with the Commissioners of Customs and the Post Office, the Admiralty, Navy Board and High Court of Admiralty, and the War Office, were all brought into a more or less regular contact with the colonies, particularly in time of war. The Treasury had to do with the disbursement of all moneys appropriated by Parliament to be spent for or in the colonies and had oversight of all revenue there raised for the King's use, such as the $4\frac{1}{2}$ per cent. in Barbados and the Leeward Islands, the two shillings a hogshead in Virginia, and certain casual returns that came to the King by virtue of his prerogative. (The revenue in Jamaica seems to have been controlled by the colony itself.[2]) It received memorials, petitions, and statements of claims in great variety from the colonies, either directly or from the Secretary of State or the Board of Trade, and in

[1] Chalmers, G., *Opinions of Eminent Lawyers*; Andrews, C. M., Introduction to *Reports of Francis Fane on the Connecticut Laws*, § III (Acorn Club Publications, 1915).

[2] C.O. 140/17, Council Minutes, 22 Jan. 1723.

consequence became interested in many important colonial issues involving expenses incurred in the service of the King. It paid the salaries and contingencies of special agents to America; met in part the cost of civil administration in Nova Scotia and Georgia and of the Royal African Company; made various disbursements for promoting friendly relations with the Indians; and, in conjunction with the Board of Trade, handled the claims of certain colonies to money granted by Parliament as recompense for military co-operation in the capture of Louisbourg and for services rendered during the French and Indian wars. It drafted warrants and commissions touching salaries, contracts, grants and remittances, prize money, transportation of convicts, and other matters relating or not relating to money, and in general controlled all payments by the Exchequer in peace and war. It appointed the Paymaster-General of the Forces, had charge of the customs service, the commissariat and transport service, and the Post Office, though leaving to these subordinate offices the routine management of their own affairs. Its relations with the colonies were conducted as a part of its regular business and the records of its transactions were entered and filed in their proper places in the books and papers of the Board.

The Admiralty played a more conspicuous part than the Treasury, for upon it rested the burden of colonial defence on the naval side. It despatched squadrons into American waters and carried on a voluminous correspondence with admirals, vice-admirals, captains, commanders, and lieutenants, as well as with colonial governors. Under direction from the King, as expressed in Orders in Council or instructions from the Secretary of State, it controlled the movements of ships, determined the times of sailing, and kept watch over the execution of its orders. It was in constant communication with the Navy Board, Victualling Board, Medical Board, and Transport Office, and kept in touch with other branches of admiralty administration in matters connected with equipment, victualling, and supplies. It provided frigates for patrol in American waters, men-of-war for convoying merchant fleets back and forth across the Atlantic, and transports for soldiers in time of war. It supplied colonial sea-captains with Mediterranean passes, sought to suppress piracy and to check illicit trade in America, issued letters of marque and reprisal, and in time of war co-operated with the colonies, furnishing ships, frequently with indifferent success, for such expeditions as those against Port Royal, Quebec, Cartagena, and Louisbourg. It provided vessels for the transportation of royal governors, arranged for the packet service to the West Indies in the early part of the century and to the continental colonies after 1757, saw to the collection of the sixpenny Greenwich Hospital duty imposed by Act of Parliament in 1698 and extended to America in 1729, and was responsible for the marines while on the men-of-war.

England's insular position and the wide expanse of water that separated her from her Plantations rendered the Navy the main support of her commercial supremacy and national strength. For that reason Englishmen sought from the colonies raw materials for the building of their ships, advocated the enumeration of naval stores from America, and later granted elaborate bounties that there might be a sufficient supply of masts, bowsprits and spars, pitch, tar, turpentine and resin, and hemp for cordage. The Navy Board, whose business it was to build and equip the ships, inspected these supplies, criticised the tar as too hot, the pitch too thin, the turpentine short in weight, or the lumber warped and green, encouraged the production of saltpetre and potash, and sought to promote in America whatever would relieve the mother country from dependence on the European market. Sometimes, but not often, the Board purchased or rebuilt for the Royal Navy ships that had been constructed in New England ship yards. With the High Court of Admiralty, sitting at Doctors' Commons, the colonies came into occasional contact, as colonial suits on appeal were heard there as late as 1767.

Except in time of war, the War Office, at the head of which was the Secretary at War, who took his orders only from the Privy Council or the Secretary of State, had very little to do with the colonies. There were certain companies located at Placentia, Annapolis Royal, New York, Charleston, St George's (Bermuda), Providence (Bahamas), St John's (Antigua), and Kingston (Jamaica). Some of these were regular regiments of foot, others grenadiers, and still others, independent companies of fusiliers. The latter were raised separately from the regulars for special service generally out of England. They were recruited at large or from other regiments, were on the establishment, English or Irish, and were paid out of funds appropriated by Parliament. Among them were invalids, that is, soldiers disabled by wounds or disbanded after twenty years in the army and unfit for further active service.[1] Those at New York—the four independent companies—were ill-clothed, ill-fed, and ill-paid and made very poor soldiers as New York learned to her sorrow.[2] British troops sent to America before the middle of the eighteenth century were neglected and almost forgotten because responsibility for their maintenance was to all appearances so divided among the Privy Council, the Secretary of State, the Board of Trade, and the War Office as to rest very lightly anywhere. The Board of Ordnance was supposed to supply these troops with their arms and accoutrements, just as it sent over, at the command of the King, ordnance, ammunition, and supplies to the various forts in the colonies from New Hampshire to Barbados. But both functions it performed very badly.

[1] *Cal. St. Pap. Col.* 1711–12, nos. 95, 231; *B.T. Journal*, 1709–14, p. 525; 1714–18, pp. 28, 29, 201.

[2] *Cal. St. Pap. Col.* 1701, no. 1, i; 1702, no. 994; 1702–3, no. 29.

In truth, there was very little military or naval protection for the colonies before 1756, for England in the first half of the eighteenth century was poorly organised for efficient action in any direction. Not only were the offices of administration widely scattered between Whitehall and the City, at a time when communication was slow and difficult, but corruption, maladministration, and delay prevailed widely, and rivalry and jealousy prevented co-ordination and co-operation among the different departments and offices. With the Admiralty Board at Whitehall, the Navy Office in Seething Lane, the Victualling Office at the end of East Smithfield, the supply of ordnance at the Tower, the officials concerned in despatching a fleet were so far apart as to render mutual action difficult and rapid action impossible. Orders and instructions waited days and even months for execution. The Secretary at War carried little responsibility and performed few duties other than those of a routine character In all matters of policy he was overshadowed by the Privy Council and the Secretary of State. The Treasury was notoriously slow in making payments, either in England or America, while the Paymaster-General of the Forces and the Paymaster of Marines spent much time in lining their own pockets and neglecting the interests of sailors, soldiers, and marines, just as the Treasury itself neglected clerks, postmen, labourers, and other lesser folk. The system of administration in England, in all that concerned the colonies, was slow, ineffective, and characterised by a prevailing official attitude of indifference and irresponsibility.

The connecting link between the Crown and the royal colony was the governor, the active agent of the prerogative in America. The governors were divided into three groups: provincials, military and naval officers, and English members of the office-holding class at home, similar to those who were carrying on the real government of England herself. Among the 321 governors-general, governors, and lieutenant-governors were two dukes, nine earls, two viscounts, thirteen barons, five "courtesy" viscounts or lords, six other sons of peers, and forty-seven baronets or knights. There were at least thirty-eight matriculants of Oxford or Cambridge or other British or continental universities, and eleven graduates of American colleges. There were at least twenty-one members of the Inns of Court and eleven Fellows of the Royal Society. Forty-five had had parliamentary experience. Of the 250 men from many different walks and ranks of life, who received their appointments after 1685, a few were "greedy proconsuls" (Fletcher, Cornbury, Parke, Cosby, Crowe); more were men of mediocre powers, lacking tact, ability, and political common-sense (Sloughter, Belcher, Shute, Cranfield, Reynolds); while others were guilty of conduct that led to their peremptory recall (Douglass, Josiah Hardy). Two committed suicide while in office (Osborne, Elliot). By far the greater number, however, were

men of honour, who did their best in an impossible situation. No one can study the careers of the Codringtons, father and son, Stapleton, Thomas, Payne, Nicholson, Spotswood, Gooch, Shirley, Pownall, Bellomont, Dudley, Sharpe, Eden, Ellis, Wright, the Popples, Grenville, the Wentworths, Hunter, Tryon, Monckton, and Moore, to name only the more conspicuous among them, without realising that they were conscientiously trying to do their duty and represented a fairly high type of official equal to those holding similar office in England at the same time. But they stood for a different idea of government from that which was gradually shaping itself in America—government by royal grace and favour instead of government by consent of the governed—and legally were obliged to direct their administration according to the wish and will of the executive authorities at home. They came to their respective colonies endowed with powers that placed them at the head of the government and made them the source of all authority, for without their consent the colony could not function legally as a political organism. They received their commands from men who were 3000 miles away, had never been in America, had no understanding of the convictions that were slowly taking form in the minds of the colonists, and, even if they had understood these convictions, would not have sympathised with them. In all the West Indian colonies, and in all but four of those on the mainland, the system of government, framed in England according to certain preconceived notions regarding a royal colony, was based on ideas already established as to what such a government should be.

Though the appointment of a governor was made in the name of the King, and though the Secretary of State, except for the years from 1752 to 1761, when the Board of Trade controlled patronage,[1] generally exercised the right of nomination, many influences, personal and political, were brought to bear to aid one candidate or another.[2] In 1754, when the Earl of Albemarle, titular governor of Virginia, died, no less than five British noblemen, we are told, were mentioned for the post.[3] There were always a number of applicants for the Secretary to choose from, and in some cases the competition took the form of a scramble for office. On the other hand, between 1702 and 1737 thirteen appointees failed to enter upon their governorships. One was bought off,[4] four died before sailing, one was drowned in the Thames, one was drowned *en route*, and one was captured by the French; but in the cases of the others the reasons are not known. It is quite likely that they got better posts.

The instructions which the governor received, though legally the private orders of the King, were in fact a composite draft, showing the handiwork of nearly every prominent official who had to do with the

[1] *A.P.C., Col.* IV, 154–7.
[2] Lincoln, C. H., *Correspondence of William Shirley*, I, *passim*.
[3] Brit. Mus., Newcastle Papers, Add. MSS, 32,737, ff. 505–6, 514.
[4] Matthews, A., "Elizeus Burges" *Proc. Col. Soc., Mass.* XIV, 360–372.

colonies. The Board of Trade, in whose office these instructions were drawn up, sought assistance from many quarters. It called on former governors, merchants, and colonists resident in England. It sometimes allowed the appointee to make suggestions, as in the case of Alured Popple, its former secretary, whom it permitted to draft many clauses. It introduced articles composed or revised by the Admiralty, the Treasury, the Commissioners of the Customs, the Auditor-General of the Plantation Revenues, and the Bishop of London. Thus the instructions were a co-operative affair, the product of many official minds, expressing the best that the British authorities could bring forth. They were not mere formal documents, drafted to cloak a more liberal policy on the part of these authorities. The Secretary of State rarely meddled with matters of civil administration in the colonies, and the Board of Trade, in its hundreds of letters to the governors, adhered with the utmost tenacity to a strict interpretation of the text. It is doubtful whether the Board ever wittingly or intentionally connived at a governor's departure from the literal interpretation of his orders. On the contrary, it not infrequently reprimanded him for violation of his instructions, when, as sometimes happened, he was forced to yield to pressure from the Assembly, and it was constantly reminding him of the fact that the instructions, representing the "true principles of a colonial constitution", were given him to be obeyed. There was no discrepancy between the policy laid down in the instructions and that adopted by the Board in its correspondence with the governors.

In the eighteenth century the instructions generally followed a common pattern, admitting alterations only in matters of arrangement and detail. Though in the twenty-five years before the American Revolution three attempts were made to revise them (1752, 1768, 1782), only once, in 1752, under Halifax as president of the Board of Trade, was any serious effort expended upon them, and even then none of the changes, though numerous, was marked by any modification in the mercantilist point of view held by the Board of Trade and by British officials generally. Probably the mercantilist tendencies in England were never stronger than during the period of twenty years from 1755 to 1775. Thus, during a critical time when the colonial Assemblies were losing their respect for the King's instructions and denying their mandatory character, the authorities at home, determined to preserve unchanged the dependent status of the King's possessions across the seas, were insisting more strenuously than before on a complete obedience to the King's instructions and the full maintenance of the royal prerogative in the colonies. The failure of the Board of Trade to seize the opportunity of 1752 to adapt the instructions to the needs and sentiments of the colonists aroused resentment in America and became a landmark in the divergence which was taking place between that which was English and that which

was American. The English system was already breaking down before the persistent refusal of the colonists to accept in its entirety a method of control that was already showing itself opposed to their convictions and ill-adapted to their needs.

With his commission and instructions in hand, the governor prepared to set sail for his post across the Atlantic. The Admiralty furnished a vessel for his transportation and for that of his family, his servants, and his belongings, often covering a wide selection of household furnishings, and the voyage lasted for six or seven or even more weeks. Arriving at his destination, he was greeted with the respect due to one of his station, and after a proper exchange of greetings and compliments was escorted to the town hall or government house or other building in which was the council chamber. There he read his commission, took the required oaths, and administered the same to the members of the council. Following English precedent, he then issued a proclamation announcing his appointment and requesting all officials to retain their posts until further orders. After this proclamation had been read from the balcony or steps to the assembled people, the procession reformed, and the governor was conducted to a neighbouring tavern where entertainment was provided at the expense of the public purse. The celebration, accompanied by speeches and fireworks, sometimes lasted for several days, the details of which were printed in the local newspapers, if such there were, and formed a fitting subject for local congratulation and gossip.

The first branch of the administration with which the governor came into official contact was the provincial council, a body which more nearly resembled the Privy Council than it did the House of Lords, and in the eyes of the British Government was deemed scarcely less important than the governor himself. It was composed of leading men of the colony, "of good life, well affected to the government, of good estates and abilities and not necessitous people or much in debt",[1] and in numbers ran from ten to twenty-eight, with a quorum of from three to seven. It was made up largely from the provincial aristocracy, but it did not represent the colony. Its members were appointed by the Crown, on representation from the Board of Trade after approval by the Privy Council. The governor had an important part in naming his council, but so did the Secretary of State and others who sent in recommendations to the Board, so that the governor was never certain of the extent of his own patronage. Sometimes he was ordered, to his chagrin and loss of local prestige, to reinstate a councillor whom he had suspended. The councillors served in three important capacities: as an advisory board to the governor, when sitting as an executive body; as the upper house of the legislature, when sitting as council in Assembly; and as a court of chancery

[1] From the governors' instructions, e.g. *N.Y. Col. Docs.* v. 125.

with the governor (as early as 1641 in Barbados[1]) and the highest court of appeals in the colony, when exercising judicial functions. But they had no executive powers apart from the governor, and even in the case of the latter's death or absence, where there was no lieutenant-governor, and the headship of the colony devolved, after 1707,[2] on the president of the council, they were not expected to do much more than keep the government going until the governor returned or the next incumbent arrived.

Their legislative independence was considerably curtailed by the governor's habit of sitting and voting with them when acting as an upper house, as in New York, Massachusetts, and North Carolina—a right not recognised in some of the colonies—and by the insistence of the lower house that they had no power to initiate legislation or to originate or amend money bills. In Barbados, the lower house frequently conferred with the council on money bills and occasionally the council amended such measures. Certainly in the seventeenth and early eighteenth centuries the lower house did not insist on the sole right to originate bills of this kind. Many battles royal were fought over this question, first in Jamaica[3] and later in New York, New Jersey, South Carolina, St Christopher, and elsewhere, for the Board of Trade ruled in 1706 that the council had "as much to do in framing bills for the raising and granting of money as the Assembly has", and in 1718–20 the King sent a general instruction to that effect to all the governors. But this instruction was not obeyed, the Assembly in North Carolina declaring that for the council to amend money bills was "contrary to the custom and usage of Parliament and...tends to infringe the rights and liberties of the Assembly who have always enjoyed uninterrupted the privileges of framing and modelling all bills by virtue of which money has been levied on the subject by an aid for his Majesty". The Board in reply declared vehemently that no Assembly in the Plantations ought to pretend to all the privileges of the House of Commons, "which will be no more allowed than it would be to the councils if they should pretend to all the privileges of the House of Lords".[4] But there was never any danger, either in the West Indies or on the mainland, that the members of the council would make any such pretension. Though their influence varied in the different colonies, due to the personal prominence of the members, who in New York and Virginia were a powerful clique, bound together by inter-marriage, blood relationship, and common interests, and holding office for life, nevertheless as an institution they were completely overshadowed by the governor and the Assembly. Representing neither the colony nor the King, lacking both responsibility and

[1] Bell and Parker, *Guide*, p. 334.
[2] *Cal. St. Pap. Col.* 1706–8, nos. 575, 697, IV, v, 831, i, 948, i.
[3] C.O. 137/10, 11, 13; 138/14, 16. The instruction was first sent to Jamaica in 1718.
[4] *N.Y. Col. Docs.* IV, 1171–3; *N. Carolina Recs.* v, 287, VI, 909; Smith, W. R., *South Carolina as a Royal Province*, pp. 289–90, 294–5, 306–12, 317–19, 321–9.

executive authority, and exercising only a negative influence on the passage of laws, the colonial council was never able to grow into a constitutional body comparable with either the House of Lords or the Privy Council. The members stood for honour and dignity, personal influence and family pride, but though they struggled at times to control the governor and to resist the Assembly, they never succeeded in winning more than an occasional and temporary victory. Never had they the full confidence either of the King or of the colony.

The real test of the governor's influence was evinced not in his dealings with the council but in the skill with which he was able to preserve friendly relations with the Assembly. This representative body had started as a small rudimentary group of delegates, exercising no more power than they possessed by grant of company or proprietor, for the purpose of co-operating with the governor and council in matters of legislation. After corporate and proprietary control had come to an end in Virginia and Barbados, the Assembly was continued by the King in his instructions to his governors, but received little attention in England until, in the period from 1675 to 1680, the Lords of Trade began to investigate, more carefully than had any council before that time, the conditions of government in America. Following the failure of the "Poynings's Law" experiment in these two provinces, the Assemblies, which had at no time been seriously menaced by that attack upon their local independence, established their right to exist, and finally, after the Revolution of 1689, were recognised everywhere as essential to the proper organisation of a royal province. From this time forward every set of instructions to the governors contained specific details regarding the calling of the Assembly and its constitution and powers—details which steadily increased in number and precision as the years passed.

But the Board of Trade and the Privy Council had no intention of allowing the Assembly to get beyond control. Taking the position that the popular branch of the government owed its very existence to the King's will and pleasure, they deliberately circumscribed its powers in the governor's instructions in order to demonstrate its inferiority as a law-making body. According to these instructions, the governor was empowered to summon, prorogue, and dissolve the Assembly and even to control adjournment, if the period was longer than from day to day.[1] In the early years the Assembly in Barbados controlled its own adjournment, but towards the end of this period it got into the habit of asking the governor's permission to adjourn.[2] This early peculiarity may, perhaps, be explained by the fact that the Assembly sat for but a few days at a time, so that frequent meetings and frequent adjournments were necessary. The governor

[1] A frequent subject of dispute in most of the colonies.
[2] Frere, G., *Short History of Barbados*, p. 96.

could refuse to approve its choice of speaker, could issue writs of election, determine membership, and select the place of meeting.[1] He had the right to suggest legislation, could scrutinise very closely the character of the laws passed, and was expected to veto such as were not in accord with his instructions or were repugnant to the laws of England. By successive instructions and by decisions of the Crown lawyers or of the counsel to the Board of Trade, the Assembly was forbidden to concern itself with any matter that lay outside the province it represented or which trespassed upon the prerogative of the King or the powers of Parliament. It could not interfere in any way with the laws of trade or discriminate in favour of the colonists at the expense of British merchants engaged in colonial trade. It could not pass private acts without a clause saving the rights of the Crown, bodies politic and corporate, and all private persons, nor could it pass these and other acts, the nature of which was specified, without first obtaining the King's consent or introducing a suspending clause binding the colony not to enforce the act until the King's will were known. Thus the freedom of the Assembly was hedged in at many points by the instructions which the King sent to his governor, and it was against the barriers which such instructions set up that the Assemblies in the royal colonies in the eighteenth century fought with all the resources in their possession. They opposed "ministerial mandates" and government by instructions on the ground that such were inimical to the liberties of a free people, and would have no more of them than could be helped. But the Privy Council and the Board of Trade viewed the instructions as a fundamental part of the constitution of a royal colony, to be obeyed as the commands of the King. It may be said with much justice that the question of the King's authority as expressed in his instructions to his governors lay at the very centre of the colonial conflict.

Even if an act of Assembly passed safely the tests that the British authorities imposed upon it in the instructions—tests which they deemed wholly warranted because "founded on the principles of reason and justice"[2]—it had still to face a further exercise of the prerogative in the right which the King reserved to himself of confirming or disallowing the act after it was received in England. The practice came into use slowly and was not fully adopted before the eighteenth century, but it proved an efficient form of colonial control, in many ways beneficial to the colonists themselves. Particularly in the earlier period, it prevented the colonists from passing hasty and ill-considered legislation that was often obscure, loosely worded, and even technically poor and contradictory, and it served to improve legislation and to prevent local retaliatory measures in matters of general concern. The English authorities would not tolerate any acts

[1] Another subject of dispute, particularly in Massachusetts Bay (*Acts and Resolves*, II, 234 n.) and Jamaica (C.O. 138/20).

[2] *A.P.C., Col.* III, 164.

contrary to the laws of England which affected trade or the interests of British merchants, or infringed on the royal prerogative. In the first two particulars they were successful in their efforts; but in the third they made little headway, for the popular parties in the colonial Assemblies fought the prerogative in whatever form it appeared, and employed many devices to thwart the royal will. They re-enacted laws that had been disallowed, passed temporary acts chiefly concerning revenue, and paid as little attention as they could to the suspending clause, which the Pennsylvania Assembly declared to be "destructive to the liberties granted to the people of the province by the royal and provincial charters, injurious to the rights of the proprietors, and without precedent in the law of the province".[1] It is true that in many instances the colonies suffered hardship and injustice because of the disallowance, but it cannot be said that in principle such a review of colonial legislation was either unwise or objectionable. The trouble with the disallowance, as with other forms of royal control, was that it admitted of no proper adjustment to the changing needs and sentiments of the colonists.[2] It tended to become more inflexible as time went on, and was as rigidly interpreted just before the American Revolution as at any time in its history. The British regulations were never more rigorously enforced than after 1763, and that, too, at a time when the colonial Assemblies were reaching the maximum of their strength and influence.[3]

The growth to maturity of the colonial Assemblies is the outstanding feature of the old British system of colonial government. Though legally conceived as inferior bodies, they had acquired from the beginning deep-rooted notions as to the rights of Englishmen in all parliamentary matters; and the example of the parliaments of the Interregnum was early followed in Maryland, Virginia, South Carolina, and Barbados,[4] where there were "parliament men" already indoctrinated with the idea of parliamentary supremacy. Parliamentary privileges were early asked for by the Speaker of the House and granted by the governor in most of the royal colonies. Jamaica as early as 1677[5] and Virginia a little later "prayed in behalf of the burgesses now assembled that they might enjoy all those privileges that have heretofore at any time been used or indulged in by former Assemblies".[6] The Speakers of Barbados and North Carolina did the same, though the record is of later date, when they

[1] Root, *Pennsylvania and the British Government*, p. 119; *Votes and Proceedings*, Pennsylvania, IV, 254–6, 256–9, 262–4. For similar disputes in Jamaica see C.O. 138/20, pp. 49–50; for Georgia, *Georgia Col. Recs.* XIX, pt I, 249; for Barbados, Bell and Parker, *Guide*, pp. 48, 52.

[2] See C.O. 138/14, quoted in Bell and Parker, *Guide*, p. 211.

[3] Andrews, *The Royal Disallowance*; Dorland, *The Royal Disallowance in Massachusetts*; Russell, *Review of American Colonial Legislation*.

[4] Fendall's, Matthews's, and Owen's parliaments in Maryland, Virginia, and South Carolina; and, for Barbados, see *Cal. St. Pap. Col.* 1661–8, no. 1017.

[5] *J.H.R.* Jamaica, I, 11, 23, 119. [6] *J.H.B.* Virginia, 1695, p. 1.

asked for "the privileges necessary to the constitution of a free Assembly".[1] The Assembly in Barbados was always less insistent on its privileges than were many of the other Assemblies and less sensitive to affronts on its dignity. The demand for privileges does not appear to have become until very late a regular part of its procedure.[2] In New York the demand was made at the meeting of the first Assembly in 1691,[3] and in 1695, three years after Massachusetts Bay received its new charter, its House of Representatives claimed "all the liberties and privileges of an English Assembly".[4] With the beginning of the eighteenth century the custom was widely established, and the designations "House of Commons", "Commons House of Assembly", "His Majesty's Commons", and "Parliament", were already in use.[5] The privileges, at first asked for and later taken for granted, were those customary to the Parliament in England—freedom of speech; freedom from arrest for members and servants, except in cases of treason, felony, and breach of the peace; freedom of access to the governor—a request dropped in Virginia after 1727; and favourable construction on all acts of Assembly. A common request was that the mistakes of the Speaker be not imputed to the House—also omitted in Virginia in 1705, but resumed in 1738—which was usually a part of the Speaker's "excusatory" or "disabling" speech, made in Jamaica, Virginia, Pennsylvania, South Carolina, and Maryland, at the time of his election.[6] In addition, the Assembly endeavoured to gain further advantages, such as the right to adjourn itself for longer than from day to day,[7] partly to protect itself against the governor, and partly to demonstrate its own view of the situation, that the exercise of functions necessary to the well-being of an Assembly was not a matter of grace or favour, but something that the King had no right to deny. By the eighteenth century, the phrase "ancient rights and privileges" was beginning to be heard; and in 1736 the Speaker of the House of Burgesses in Virginia asserted that all these privileges had been long enjoyed and were its undoubted right.[8]

The controversy over privileges was particularly keen in Jamaica, where in 1716 the governor threatened with extraordinary measures an Assembly which refused to grant supplies, and finally conceded the demand for privileges with the promise to allow them only so far as it was consistent with his instructions. This form of acceptance

[1] C.O. 31/36; *N. Carolina Recs.* VI, 363.
[2] *Cal. St. Pap. Col.* 1661–8, pp. 352–4; 1679–80, p. 387; Frere, *Short History*, pp. 81–85.
[3] *J.H.R.* New York, I, 2. [4] *Acts and Resolves*, 1694–5, chap. iii, I, 65, 89, 90 n., 130, 382.
[5] In Jamaica after 1689; Long, II, 9–10.
[6] *Maryland Archives*, I, 460; II, 10; VII, 335; XIII, 252, 350; XXIV, 327, 357. *Pennsylvania Col. Recs.* II, 517; III, 140, 319–20.
[7] *A.P.C., Col.* III, p. 102; Hutchinson, T., *History of Massachusetts Bay*, I, 257–8 for the case in Massachusetts; *Georgia Col. Recs.* XIII, 91, 92, 95, 98, 100, 101.
[8] *J.H.B.* Virginia, 1727–40, p. 239; *Votes and Proceedings, H.R.* Pennsylvania, III, 320; *S. Carolina Recs.* I, i, 529.

continued to be used for many years. In 1764 the question was again raised, and this time the House took occasion to define its privileges without regard to the instructions, laying down in eight clauses its constitution. The Assembly was immediately dissolved, but a new Assembly met in 1765 and re-passed the resolutions of its predecessor. Prorogued, it refused at its next session to ask for privileges at all, apparently on the ground that it did not consider such recognition of the royal right to be necessary. In 1766 a new Assembly, taking even higher ground, declared that the House was the sole competent judge of its own privileges[1] and that these privileges were not founded on Acts of Parliament or royal instructions, but were "a birthright, inherent in his Majesty's most loyal and dutiful subjects of the Commons of Jamaica and founded on the law of Parliament [*lex parliamenti*], which is part of the common law of England". The Assembly further asserted that such privileges were its rightful, lawful and undoubted inheritance, of which it could not be lawfully deprived while it continued in allegiance to the King, a point it attempted to prove, much as Virginia had done in 1736, by drafting a history of its constitutional rights. In this document it said that it held the same position in the constitution as did the House of Commons in England and enjoyed a superiority over all courts of justice with power to examine their conduct. "Here, as in England," it said, "we owe it to the wholesome and frequent exercise of such power in the representative bodies of the people that we are this day a free people." Later, it added, "The House has all the privileges of the House of Commons in England and no instructions from King or ministers can either abridge or annihilate the privileges of the representative body of the people of this island."[2] Were it otherwise, it might have added, as did the New York House of Representatives on an earlier occasion, it would be "of pernicious and dangerous consequence to the liberties of the people".[3]

Thus the Assemblies in the colonies were becoming extremely sensitive to any infringement of their dignity. They resented reflections on the House or on any of its members, such as hostile remarks, damning of the Assembly, false or scandalous tales,[4] derogatory petitions, printing of rules or proceedings without authority, libels,[5] insults, or the sending of a challenge to a deputy. In Massachusetts the House legislated against all unnecessary outside noises made by those who drove by the State House in which the Assembly was sitting.[6] Those guilty of such breaches of privilege or

[1] Massachusetts very early took this ground. *Acts and Resolves*, I, 89.

[2] C.O. 137/32, 33, 34, 62; 140/40. In her unpublished treatise on "Parliamentary Privileges in the American Colonies" (Yale University Library), Miss Mary P. Clarke has given an account of this and other similar controversies.

[3] *J.H.R.* New York, I, 572.

[4] *N. Carolina Recs.* III, 317–18; VII, 953, etc.

[5] See *J.H.R.* Jamaica, I, 56, 243–5.

[6] *Acts and Resolves*, III, 360, 467, 516, 869; IV, 370.

decorum were summoned to the bar of the House, required to ask pardon (sometimes on their knees[1]), pay fines, and suffer a severe reprimand. Professor Jacob Rowe of William and Mary College, at the time of the "Parsons' Cause", said publicly that any member voting to settle the salaries of the clergy in money would be a scoundrel, and should such an one apply to him to receive the sacrament he would refuse to administer it to him. For these remarks he was taken into custody, made to apologise, and pay fees.[2] Such cases were legion and could be cited from the legislative journals of nearly every colony, royal, proprietary, and corporate, West Indian and continental.[3]

The Assembly claimed full right to exercise authority over its own members also, particularly in matters of disputed elections, the most important business that came before it for adjudication. Most of the Assemblies took this responsibility seriously, appointed a standing committee on privileges and elections,[4] heard witnesses and arguments by counsel, ever anxious not "to endanger the liberties and property of [their] constituents".[5] The matters investigated were usually bribery, wrong methods of holding the election, undue influence, disorderly conduct or intimidation, or any action serving to prevent an honest count. Sometimes the qualifications were unsatisfactory, as to residence, race, property, religion, or naturalisation (as in the case of de Lancey of New York[6]). In most of the colonies, except in Barbados where the Assembly cited its own precedents, English practice was frequently followed and sometimes the journals of the House of Commons were consulted. There is at least one instance where a number of people were disqualified for reasons that would not have been accepted in England.[7] In the West Indies the chief trouble was insufficiency of freehold and many controversies arose between the governors and the Assemblies over the matter. Legislative practices in Barbados differed in many respects from those of Jamaica and other royal colonies that accepted British parliamentary precedents. The Assembly in Barbados began to work out its own procedure as early as 1639 and it continued to follow these precedents in later years. In 1754, the Jamaica House resolved that it had "an undoubted right, whenever they shall see cause, to declare void all writs issued by the governor during the continuance of the Assembly for electing members to serve in the House when such writs shall be issued without the request of the House".[8] As a rule members expelled by the House and re-elected by their constituents were allowed to take their seats, though there are instances to the

[1] *Votes and Proceedings*, Pennsylvania, III, 88 (1729); *Cal. St. Pap. Col.* 1702–3, p. 554.
[2] *J.H.B.* Virginia, 1758–61, Sept. 22.
[3] See for example *Connecticut Col. Recs.* V, 492–3; *Georgia Col. Recs.* XIII, 39; Minot, *Massachusetts Bay*, I, 206–12.
[4] *N. Carolina Recs.* VI, 374, 406, 1154 *b*; IX, 457.
[5] *J.H.R.* New York, I, 755; II, 77–80, 648.
[6] *Ibid.* I, 514–20.
[7] *S. Carolina Recs.* II, 29–36.
[8] C.O. 140/43.

contrary.[1] On one occasion the governor in Jamaica declared that the freedom of election was an inherent right of the people of England, and that as the Assembly allowed the people to elect, "they should not require that they elect only those whom they [the Assembly] wished".[2]

The House disciplined members for betraying secrets,[3] for being absent without leave, for uncivil or unparliamentary conduct, for irreverence or anti-Christian statements,[4] for scandalous immorality,[5] for charges of sedition,[6] for contempt or affront to the dignity of the House, for drunkenness and profanity, and for refusal to obey the orders of the House. Attendance was uncertain in the West Indies, owing to the heat, frequent absences from the island, and negro troubles which kept members at home; and in Jamaica those who persistently refused to appear were automatically expelled. Delinquents were punished by fines, censures, admonitions, apologies, imprisonment, expulsion, kneeling at the bar, and threats of even severer penalties. As the Assemblies became more powerful and sure of their own strength, they took cognisance of all forms of misconduct by anyone, whether members, private persons, civil and judicial officers, or even appointees of the Crown. In Pennsylvania, in 1757, a famous attempt was made to remove one William Moore, a justice of the peace, for a pamphlet filled with "shameful calumnies...and tending to bring the House into derision and contempt among the people". Moore was sent to gaol and the pamphlet was ordered to be burnt by the common hangman. William Smith, provost of Philadelphia College, who was charged with helping Moore, was called upon to apologise, and when he demanded his right of appeal to the King was told that there could be no appeal from judgments relating to privilege.[7] In Virginia, in 1748, a member of the council was charged, in the presence of the council itself, with "scandalous and malicious reproaches...highly reflecting upon the honour of the Speaker and of the House", and was compelled to apologise.[8] Even more noteworthy was the punishment meted out to a king's appointee, the naval officer for York River, who for a "scandalous insult" was reprimanded and committed to gaol "in close confinement, without pens, ink, or paper, to be fed on bread only and allowed no strong liquor".[9]

This increase in self-importance and self-consciousness was due in part to the rapid growth of wealth and population in the colonies and to the enhanced dignity which, in America as in England at the same time, was attaching itself to membership in the representative

[1] *Cal. St. Pap. Col.* 1702–3, pp. 695, 705.
[2] *J.H.R.* Jamaica, I, 300–25.
[3] *N. Carolina Recs.* VI, 961.
[4] *J.H.R.* Massachusetts, III, 11, 123.
[5] *J.H.R.* Massachusetts, I, 10.
[6] *N. Carolina Recs.* VIII, 268–9, 331, 471, 494.
[7] *Votes and Proceedings*, Pennsylvania, 1757–8, pp. 33 seqq.
[8] *J.H.B.* Virginia, 1748, p. 290.
[9] *Ibid.* 1767, pp. 91, 97, 98, 99, etc.

body. It was due also in further part to the realisation by the Assemblies themselves of the fact that they were not municipal or provincial councils but were becoming in reality "his Majesty's Commons" in America, analogous to and co-equal with the House of Commons in England. The likeness appeared not only in the powers which the Assemblies exercised and the privileges which they enjoyed but also in the procedure they followed. In Virginia, this similarity of procedure was almost complete, even to the appearance of the Assembly chamber and the manner of the sitting of the members, which paralleled very closely the arrangements in St Stephen's Chapel, Westminster.[1] Only in Connecticut and Rhode Island was the simpler system of a moderator's meeting employed, for in those colonies there were no standing committees, no readings of bills, and no dissolution, the Assemblies being adjourned, never dissolved. Yet even in these Assemblies there was a Speaker and their practice inevitably included certain parliamentary forms. The House of Representatives in Massachusetts, though similar in origin to the Assemblies of Connecticut and Rhode Island, adopted, under its royal governor, a number of parliamentary precedents, though less conspicuously than did either Virginia, Pennsylvania, or New York. Only occasionally did it make use of the standing committee, and only on rare occasions did it resolve itself into a committee of the whole House, a device which it used rather as a measure of secrecy against the governor than as a step in the process of passing a bill. A similar situation prevailed in Georgia, where, on going into committee, the members ordered the door to be locked and the key laid upon the table before the chairman and declared that no one could leave without incurring the censure of the House. Even in Virginia the committee of the whole House was frequently employed as a weapon in the Assembly's struggle with the Crown. The committee of the whole House was known in Jamaica,[2] but was rarely used in Pennsylvania; and in North Carolina, while it acted sometimes in the usual manner, it took cognisance also of much business that in other colonies was dealt with by standing committees. The Barbados Assembly employed few standing committees and (as far as can be discovered) no committee of the whole House; but it made frequent use of joint committees, two of which, those on accounts and on instructions to the agent, were standing committees. There were also conferences or "grand committees" of the two Houses.

In nearly all the royal colonies the procedure employed followed a more or less uniform course, with many variations in detail. It is probable that most, if not all, of the Assemblies adopted standing orders or rules of procedure, though in a few cases only have they

[1] Hening, *Statutes at Large*, III, 213, 419; *J.H.B.* Virginia, 1703, pp. 30, 55, 61; Pargellis, S. M., "Procedure in the Virginia House of Burgesses", *William and Mary Quarterly*, 1927.
[2] *Cal St. Pap. Col.* 1702–3, p. 694.

been preserved.[1] Such rules concerned the conduct of members, attendance and absence, manner of debate, order of business, matters of privilege, and the care of the records. Generally speaking, there appears to have been no attempt made in the Assemblies to restrict discussion or to deal with filibustering and obstruction. Only in Pennsylvania was the Speaker allowed to stop unnecessary, tedious, and superfluous debate and to demand silence when needful. The Assemblies were never in a hurry, and there is little to show that the freedom of speech was abused. The obligation to turn out laws was never pressing, and the total number passed is, relatively speaking, small. In the modern sense of the term there were no parties and no whips, though in the case of a vote the messenger might be sent to summon those who were absent; nor were agreements arranged beforehand. There was no calendar or order of the day, though probably the Speaker was accustomed to control the sequence of business. "The members", says Josiah Quincy, speaking of the South Carolina Commons House of Assembly, where the deputies represented the planting interests as did the deputies in the West Indies, "all sit with their hats on and uncover when they rise to speak. They are not confined (at least they do not confine themselves) to any one place to speak in. The members conversed, lolled, and chatted much like a friendly jovial society, when nothing of importance was before the House. Nay, once or twice, while the Speaker or clerk were busy in writing, the members spoke quite loud across the room to one another. A very unparliamentary appearance. The Speaker put the question sitting; the members gave their votes by rising from their seats, the dissentients did not rise."[2] When either Speaker or clerk referred to a member he did so by gesture or title and not by name. Though many members were careful of their dress and appearance, there is reason to believe that those from the more remote sections paid little attention to clothes or manners, and the fact that drunkenness, smoking, and unseemly conduct were given prominent place in the standing rules of the House shows that such breaches of decorum were not uncommon. Except in Barbados, South Carolina, and Georgia the members were paid for their services.

The Speaker was elected by the House and approved by the governor; the clerk, except in Massachusetts and North Carolina, and the sergeant-at-arms were governor's appointees. In Bermuda the Speaker was elected every fourth year, a practice which the Board of Trade wholly forbade because not in accord with the usage of Parliament. The right of the Crown, through the governor,

[1] We have the standing orders for Pennsylvania (*Votes and Proceedings*, II, 218–19); Georgia (*Georgia Col. Recs.* XIV, 51; XV, 326); those for Virginia, first adopted in 1663 (Hening, II, 206) and revised and extended in 1769 (*J.H.B.* 1769, p. 323); for Jamaica at various times (*Cal. St. Pap. Col.* 1675–6, pp. 215–18; 1702–3, p. 717; 1704–5, pp. 428–9; Long, I, 55). For Barbados see *Cal. St. Pap. Col.* 1661–8, pp. 352–4; for New Hampshire see *N.H. Prov. Pap.* V, 325.

[2] "Journal of Josiah Quincy, Jr." *Proceedings*, Mass. Hist. Soc. June 1916, p. 452.

to reprove or reject a Speaker was absolutely insisted on.[1] The Speaker had a position of honour and respect within the Assembly, though in the actual exercise of authority his position varied in the different colonies. He controlled the business of the House, and saw that it was conducted with order and propriety. He issued writs to the sergeant-at-arms to bring persons before the House for examination or reproof, and served as the mouthpiece of the House in communicating with the governor or council or the outside world. While there is no reason to suppose that the Speakers anywhere were intentionally partisan, except in their opposition to the prerogative, the only one who consciously followed the non-partisan example of Speaker Onslow in England was John Randolph of Virginia. He promised when elected in 1734 to make his own "fancies and humours" subservient to the rules, and begged the House to lay aside ill-grounded conceits, prejudice of opinion, affectation to popularity, and private animosities or personal resentments.[2] Randolph lived up to his pretensions and gave to the speakership in Virginia exceptional dignity. Though in general the Speaker could vote, he rarely exercised the privilege, except to break a tie, but whether he made use of this privilege in all the colonies is not clear.[3] The Speaker, the clerk, the clerk's assistant (if there was one), the sergeant-at-arms, and the mace-bearer were all robed in Virginia, North Carolina, South Carolina, Georgia, New York, and Maryland, and probably in the West Indies; and the tendency towards ceremonial manifested itself clearly as the years passed and the Assembly grew in popular esteem. In North Carolina, South Carolina, Georgia, Virginia, and it may be elsewhere, a mace was borne before the Speaker on his entrance and laid on the table while the House was in session. In Jamaica it was borne before the governor. Usually the House had a chaplain (except in Georgia), or at least a clergyman invited to conduct prayers, and the members generally attended church in a body at the opening of the session. Proceedings were conducted secretly until after the middle of the century, when galleries or a bar were built in Massachusetts,[4] Rhode Island, and Virginia[5] for the accommodation of such of the public as the members might invite to attend. These galleries could be cleared at any time should secrecy be desired. In 1773 Quincy wrote of Pennsylvania, "Their debates are not public, which is said now to be the case of only this House of Commons throughout the continent."[6] In consequence of this publicity, a change took place in the character of the oratory in the chamber, because henceforth it was of use in influencing public opinion.

In the passage of bills, the familiar parliamentary system of three

[1] Bell and Parker, *Guide*, p. 113.
[2] *J.H.B.* Virginia, 1734, p. 174; 1736, pp. 239 seqq.
[3] In Virginia the *Journal* records but nine such instances, for example, 1720, p. 300.
[4] Moore, G. H., *Prytaneum Bostoniense*, pp. 11–25; *J.H.R.* Massachusetts, 1773–4, p. 26.
[5] *J.H.B.* Virginia, 1764, p. 61; 1766, p. 44.
[6] "Journal", p. 476.

readings prevailed everywhere except in the corporate colonies, but with some variations from English practice. A bill might pass through its three readings in one day or be prolonged over many weeks. It was always read in full at each reading and not merely by title, and debate might follow in each case. It might be rejected at the first reading or, as in Massachusetts, when first presented by individual or committee, if a majority of the House were opposed, and so not be introduced at all. In North Carolina an unusual custom prevailed of sending the bill after each reading to the council for its assent before passing the measure on to the second or third reading,[1] thus indicating a very close correspondence between the two bodies and establishing a practice unknown elsewhere. Bills might originate with the governor, the council, the Speaker, a committee, or an individual member of the House, but in practice the last two usually initiated bills, the House generally appointing them for the purpose. Money bills had to originate with the popular body and these the council was not allowed to amend, though it could and did amend other bills. If the two bodies disagreed, agreement might be reached by adjustment or conference, or the bill might be abandoned altogether. When finally passed by both Houses, the bill went to the governor and eventually to the Privy Council in England. Votes were generally indicated by rising, but the ballot was used, though the Board of Trade deemed it irregular.[2] In Barbados the ballot was used in the election of the Speaker, who in the early years was accustomed to keep the chair for only three sittings, thus rendering frequent elections necessary. There is evidence, in Virginia, of a division, one side leaving the room, with tellers appointed to take the vote.[3] That the House of Commons was the great exemplar is clear, not only from the actual procedure adopted in the colonial Assemblies, but from the not infrequent consultation by governor, council, and Assembly of the Journals of the House of Commons and the House of Lords, which with the Statutes at Large and many legal treatises were available in most of the colonies.

Until 1763, the leading constitutional issue in America was the integrity of the royal prerogative as embodied in Orders in Council, in royal mandates and warrants, and in instructions to the governors, all of which the authorities at home were endeavouring to maintain in the face of the growing power of the popular Assemblies. The prerogative was not exercised in Connecticut and Rhode Island, where no such conflict took place, and in Maryland and Pennsylvania the issue differed in form, though not in principle, owing to the dominance of the proprietary element. But not a royal colony escaped. On one side was the King, the Privy Council, the Secretary of State, the

[1] *N. Carolina Recs.* IV, 565 seqq.; V, 281 seqq.; VII, 357 seqq.
[2] *Cal. St. Pap. Col.* 1704–5, pp. 428–9.
[3] *J.H.B.* Virginia, 1736, pp. 253, 260; 1738, p. 347; 1762, p. 55; 1764, p. 258. Cf. *N. Carolina Recs.* IV, 569.

Board of Trade, the royal governor, and the royal appointees; on the other the popular Assemblies, which slowly but surely were breaking down the British system of government in America and eliminating the control of an outside authority resident across the sea 3000 miles away.[1] Having secured the right to initiate legislation, as they had everywhere done before the end of the seventeenth century, they were in possession of a position of strategic importance, from which advances were possible in many directions. As they perfected their organisation and established their privileges, they built up a machine to use against their governors that was effective because it possessed much of the strength and efficiency of the Parliament at home. The home authorities refused to recognise the parliamentary status of the colonial Assemblies, but inasmuch as they never adequately backed up their governors in America, the latter, over and over again, were incapable of anything more than empty protest and denunciation.

In their control of the finances the Assemblies had another powerful instrument wherewith to bend the governors to their will, for the King had no adequate revenue in America that could be used to free all his appointees from dependence on the popular body, and Parliament was willing to appropriate money from the English Exchequer only in the cases of Nova Scotia, Georgia, and the Floridas. Except for the grant of the 4½ per cent. and the two shillings a hogshead duties, the only instance in which the Crown obtained the passage of a permanent revenue bill in a colony was in Jamaica, where, the controversy having lasted for nearly fifty years, the grant in 1728 of £8000 a year to the King in perpetuity brought the struggle to a close.[2] But even this amount was never sufficient to meet the expenses of the colony, so that there too the Assembly was able in part to control appropriations. The determination of the Assemblies in all the royal colonies to dispose of the money thus appropriated, through treasurers appointed by themselves, brought them into sharp conflict with the Royal Instructions, which enunciated the principle that though the Assembly might raise the money, the King through his governor was to say how it should be spent. Only in North Carolina and Barbados[3] did the Crown ever yield on this point. Incidental to this issue, but of less importance, was the question of the governor's salary, which was troublesome only in New Hampshire, Massachusetts, New York, and New Jersey; for elsewhere, in the South and the West Indies, the governors were paid from such royal revenues as the quit-rents, the two shillings a hogshead in Virginia, the 4½ per cent. in Barbados and the Leeward Islands, and the permanent revenue in Jamaica.

Controversy, at times sharp and prolonged, arose over the appoint-

[1] See the writings of Greene, Osgood, Burns, and Labaree.

[2] The documents relating to the passage of this act, one of the most important in the constitutional history of Jamaica, can be found in C.O. 137/13, 14, 16, 17.

[3] *N. Carolina Recs.* III, 141; VII, 443; *Cal. St. Pap. Col.* 1710–11, pp. 79–80, 115–16, 153, 218, 367.

ment of the colonial agent. This important personage, whose origin can be traced to the days of Cromwell and the settlement of Jamaica, had become in the eighteenth century a well-established bond of communication between the colonies and the mother country. The colonies needed representatives in England to look after their interests, and the authorities at home found it advantageous to have on the spot a spokesman for a colony, as is evident from the clause inserted in the charter to Penn in 1681 requiring him to keep an agent in England. The business of the agent was "to stand sentry and be watchful", guarding the welfare of the colony in such matters as the issue of Orders in Council, the passing of Acts of Parliament, the confirmation or disallowance of colonial laws, allowances for defence, disputes about boundaries, and other analogous matters. Long and heated quarrels arose over the questions of authority and control, appointment and tenure. Did the agent represent the colony as a whole, the governor and council, or the Assembly? By whom was he appointed and from whom did he take his orders? Eventually in most of the colonies the Assembly got control, and in some instances the governor was obliged to have his own agent in addition to the official agent of the colony. Such towns as Halifax and Boston had agents also; and in the case of Newfoundland, Cape Breton, Nova Scotia, Georgia, and the Floridas the agent was appointed in England by the King. The agents were frequently English attorneys, merchants, or even clerks in the Plantation Office, and they were watched over by the Assemblies, who reproved or commended them, examined their accounts, and dismissed them if they failed to give satisfaction. The West Indian agencies were far better organised and more influential than were those of the continental colonies, for West Indian interests called for group action, whereas it was rare for the continental colonies to combine on anything. Important men served in this capacity, and after 1750 the presence of such men in England, ready to act on a colony's behalf, had become a recognised and permanent feature of British colonial administration.[1]

Additional questions at issue between the governors and the Assemblies were as manifold as were the claims of the royal prerogative, and followed closely the attempt of the governors to maintain the prerogative and obey their instructions. Second only to finance and the control by the Assembly of the civil administration of a colony, was the control of the administration of justice, historically a branch of the prerogative, for as the Board of Trade said: "Her Majesty has an undoubted right of appointing such and so many courts of judicature in the Plantations as she shall think necessary for the distribution of justice".[2] The Assemblies refused to

[1] See Penson, L. M., *The Colonial Agent of the British West Indies*; Tanner, *Colonial Agencies in England*; Bond, *The Colonial Agent as a Popular Representative*.

[2] *New York Col. Docs.* v, 333.

accept this view of the case, and over and over again took into their own hands the establishment and regulation of the courts of common law for the colonies. Chancery courts and courts of exchequer they frequently opposed on the ground of expense, but they made little serious effort to prevent their erection by the governors. Their attempts to establish systems of judicature by statute were frequently unsuccessful and led to a great deal of friction and consequent ill will. The tenure of judicial employments was also a fruitful source of trouble, for the royal tenure continued only during the King's pleasure, whereas the colonists were coming to believe that judges should hold office during good behaviour or for life.[1] The issue was joined in Jamaica, New York, New Jersey, and North Carolina, and laws were passed to that effect only to be disallowed by the Crown. Even the governors themselves sympathised at times with the position of the Assemblies, as when Edward Trelawney of Jamaica wrote that "a standing body of planters made judges for life would have a much greater influence and authority than the governor and council appointed by his Majesty".[2] But the Board of Trade would have none of it.[3] In the end the Crown won a Pyrrhic victory, for though the debate over judicial matters was less violent than that over finance, it involved much bickering and discontent, and marked the increasing dissatisfaction which the colonists felt with appointments made in England to civil and judicial offices in the colonies.

Among the minor forms of encroachment upon the King's prerogative of which the Assemblies made use were these. They passed biennial and triennial acts limiting the duration of sitting, which the Crown, with some exceptions (New Hampshire and South Carolina) due perhaps to inadvertence, regularly disallowed because they infringed on the governor's right of summons and dissolution. They excluded certain officials from sitting in the Assembly, fearing the formation of a prerogative party in the House, and they forbade councillors to vote for Assemblymen, much as peers are not allowed to vote for members of the House of Commons to-day. They denied the right of the governor and Secretary of State to appoint clerks and other officials in council and Assembly and in some of the courts, on the ground that these bodies should control their own appointments. They opposed the governor's attempts at various times to see the journals of the lower house or to obtain information from the clerk, who was always sworn to secrecy. Finally, they claimed full right, in conjunction with the council, to shape legislation, and denied that the governor or even the Crown could veto or strike out clauses or riders, the latter a device frequently used to thwart the governor's wishes.[4] In 1752 the Jamaica Assembly, in refusing to use a suspending

[1] *N. Carolina Recs.* v, 1104.
[2] C.O. 137/25.
[3] Instructions, 1761, *New York Col. Docs.* vii, 479; *New Jersey Archives*, ix, 322–3.
[4] Cf. *Cal. St. Pap. Col.* 1677–80, pp. 441–5, 462, 496.

clause or to repass acts modified by the Board of Trade, denied the right of the Board "to direct their procedure by any proposal or decision whatever". The conflict assumed different forms in different colonies, and victory lay sometimes with one side and sometimes with the other. Governor Benning Wentworth of New Hampshire, because he had greater powers of endurance, defeated the Assembly there in the controversy over membership, when the Assembly tried, by starving the province, to bring the governor to terms. But Governor Clinton in New York failed, partly because he was a weaker man in a more defenceless position, and partly because he was not adequately supported by the authorities at home. He wrote with some sarcasm both to the Secretary of State and to the Board of Trade that the prerogative could not be maintained by the governor alone. Upon the Home authorities must rest the ultimate responsibility. They might expostulate in orders, instructions, and letters, but words without continuous and consistent action were a lame and impotent weapon. The Assemblies disregarded the King's commands and gradually reduced to a minimum the governor's power and influence. Governor Knowles of Jamaica wrote in 1752 that the Assembly had succeeded in making itself the preponderant element in the government there, a state of affairs that existed in different measure in all the royal colonies.

Thus the royal system of government in America was rapidly disintegrating in the decade before 1763; the prerogative had lost its force and its importance, and the representative Assemblies, themselves doing what Parliament had done a century before, had become the centres of actual government. British subjects in America had attained, in fact if not in law, an equal political status with British subjects in Great Britain, and their governing bodies had won a position of commanding prominence and authority, similar, each in its own sphere, to that which the British Parliament had won in the realm. It was the failure of the British Government to see this fact and to find a solution whereby equality might be substituted for subordination and subservience that in part at least brought on the American Revolution.

CHAPTER XV

THE ENGLISH SLAVE TRADE AND THE AFRICAN SETTLEMENTS

THE English slave trade had a life of about a century and a half as an active branch of national commerce, and during this period it contributed greatly to the building of the overseas Empire on both the eastern and western coasts of the Atlantic. To it in no small measure was due the economic progress of some of the American sea-board colonies and of the West Indies, while from the posts established for the pursuit of the trade the British West Africa of to-day has developed. The vital importance of this trade in the seventeenth century as the very foundation of West Indian prosperity has been to some extent obscured, partly by later arbitrary distinctions between commercial history and colonial history, and partly by the work of the humanitarian writers of the late eighteenth and early nineteenth centuries, who have made the slave trade appear so dark a disgrace to those who shared in it that there is a natural reluctance to admit its great importance in the overseas Empire of the Stuarts and Hanoverians. No such separation of the interests of the colonies from those of trade existed in the days of the Board of Trade and Plantations, and no reluctance to give the slave trade its due weakened estimates of its value by contemporary writers. An anonymous pamphlet of 1749 expresses views typical of those found in many others:

> The most approved Judges of the commercial Interests of these Kingdoms have ever been of opinion that our West-India and African Trades are the most nationally beneficial of any we carry on. It is also allowed on all Hands, that the Trade to Africa is the Branch which renders our American Colonies and Plantations so advantageous to Great Britain: that Traffic only affording our Planters a constant supply of Negroe Servants for the Culture of their Lands in the Produce of Sugars, Tobacco, Rice, Rum, Cotton, Fustick, Pimento, and all other our Plantation Produce: so that the extensive Employment of our Shipping in, to, and from America, the great Brood of Seamen consequent thereupon, and the daily Bread of the most considerable Part of our British Manufactures, are owing primarily to the Labour of Negroes; who, as they were the first happy instruments of raising our Plantations: so their Labour only can support and preserve them, and render them still more and more profitable to their Mother-Kingdom. The Negroe-Trade therefore, and the natural consequences resulting from it, may be justly esteemed an inexhaustible Fund of Wealth and Naval Power to this Nation.[1]

The rise of this all-important trade, if the English share only be considered, was extraordinarily rapid. In 1650 England had no organised slave trade, yet twenty-five years later a flourishing trade was being carried on by an English company. Two factors contributed to this rapid progress: the first that though the English had no slave

[1] Anon., *The national and private advantages of the African Trade considered*, London, 1749.

trading company in 1650 they had an old-established African trade, and the second, that an Atlantic slave trade had been developed by other European countries so that the pioneer work had already been done when English merchants in the mid-seventeenth century began to share in it.

The early English voyages to Africa have been treated in another chapter of this volume,[1] and here the story is taken up at the time when royal patronage was openly given to groups of Guinea Adventurers. Part of the price of English support to Don Antonio in his struggle against Spain was the opening of the Portuguese African territories to English enterprise, and in 1588 Queen Elizabeth made the first royal grant of privileges for trade with Africa.[2] Within the district of the Senegal and Gambia only, the Adventurers were allowed a monopoly of the trade. Supported by royal patronage the organisation of the African trade advanced rapidly. In 1618 James I granted a monopoly of the trade in West Africa to Sir William St John and others, under the title of "The Governor and Company of Adventurers of London trading to Gynney and Bynney".[3] These Adventurers, however, failed to serve the object of their charter—the securing of a large supply of gold—and their privileges were adjudged a grievance in the monopoly debates of 1620–1.[4]

A second company was composed of some of the interlopers who had broken the Gynney Company's monopoly. They united under Sir Nicholas Crisp and received a grant of the sole trade of the African coast for thirty-one years, and the sole right to import any African commodities into England.[5] The special service of this Company to the development of the English African settlements was the building of a fort on the Gold Coast at Cormantine, and a walled factory near Sierra Leone, to protect its trade. These Adventurers continued to be the English monopolists of the African coast until changes were made under the Commonwealth. In spite of their privileges they found difficulty in carrying on the trade because of the heavy burden of defence against European enemies and the rivalry of English interlopers who were extremely active on the coast at the time. The Commonwealth Council of State considered the African trade of sufficient importance to merit careful investigation and in 1650 the Council of Trade was instructed to prepare recommendations "for settling the trade to the best advantage of the Commonwealth".[6] The Council of Trade gave the Company an opportunity to defend itself and after making investigations drew up a report (9 April 1651).[7] Its proposals were based on two serious considerations, first that the quarrels between the Company and the

[1] See chap. II.
[2] Hakluyt, V, 443–50.
[3] Carr, C. T., *Select Charters of Trading Companies* (Selden Soc. Publications), XXVIII, 99.
[4] *C.J.* I, 793.
[5] *Cal. St. Pap. Dom.* 1631–3, p. 186.
[6] P.R.O., Interregnum Entry Book, 1650, I, 9.
[7] *Ibid.* 1651, I, 65.

separate traders had been disastrous to the prosperity of the English interest in West Africa, and second that this trade was conditioned by "peculiar circumstances" which needed careful attention. Among these circumstances was the difficulty of preventing the market for English goods from being ruined, when, as frequently happened in an unregulated trade, a number of vessels chanced to anchor at the same time off the English ports on the coast. The consequent glut resulted not only in a lowered price for English goods, but also diminished the return in gold for the merchandise carried out, and gold was the great object of the trade. Another particular condition was the need of forts on the coast to protect the English traders against molestation by their European rivals, the Portuguese and the Dutch. These conditions suggested the value of the monopolist Company which had built forts and carried on a regular trade in spite of Dutch opposition, though both activities had demanded a very heavy expenditure, and the Adventurers were stated to have lost £100,000. In investigating the Company's claims to consideration the Council of Trade also took into account its propositions for the future. The Adventurers engaged to provide an ample supply of commodities for barter, to regulate trade with the Dutch, and to undertake a new search for gold, of which they engaged to bring to England £10,000 worth in three years.

In consideration of the past services of the Company and its promise of future assistance to national commerce the Council of Trade agreed to allow it to continue as a limited monopoly in spite of the outcries that had been made against such grants. The resulting privilege was restricted to a fourteen years' tenure of land lying twenty leagues on each side of the two chief trading places established by the Company, Cormantine on the Gold Coast, and a port in Sierra Leone, and the Council suggested that a like privilege of forty leagues' monopoly should be granted for fourteen years in respect of any new discovery by the Company on condition that the place should be fortified and secured "to the interest of the Commonwealth". This report of the Council of Trade was sufficiently favourable to encourage the Company to continue its activities, but the undertaking was made dangerous by Prince Rupert's enterprises in preying on vessels off the African coast. Though gold appeared in the Council of Trade's report as the object of the African trade it was under the aegis of this Company that attention was transferred from gold to slaves. In 1651 some of Crisp's associates undertook a voyage to the Gambia with the declared object of securing a cargo of slaves, and had it not been for the continuance of the conflict between Commonwealth and Royalists at sea it seems possible that the English slave trade might have been established under Puritan rule. The hazards of the war were, however, too great and in 1657 the Company sold the remaining years of the lease of the Gold Coast to the East

India Company to whom the forts were valuable as providing ports of call for its ships on the way to the East.[1] Though the Commonwealth government failed to establish an English slave trade a beginning had been made, and the way was prepared for more successful measures under the later Stuarts.

The Restoration Government in making arrangements for the African trade did not at first specifically promote the slave trade. In 1660 a charter was granted to a group of merchants under the title of "The Company of Royal Adventurers into Africa",[2] who received the privilege of incorporation, and the right to hold the land and islands of West Africa from Cape Blanco to the Cape of Good Hope for 1000 years. The chief trade for which the Company was incorporated was that of "discovering the golden mines", and the other commodities to be procured were ivory, dye-woods and hides, no allusion being made to a trade in slaves. As there was uncertainty about conflicting rights to parts of the coast granted to the Adventurers it was provided that these should be investigated before the new Company's privileges were fully confirmed to it. The rival claims were those of the East India Company, whose lease of the Gold Coast still had five years to run, and those of the holders of the Crisp patent. As the East India Company's rights were based on an arrangement made in the Interregnum they were disregarded, and only the claims of the Crisp Company were considered.[3] These were finally dropped and after the expiration of Crisp's patent a new charter was granted to the Royal Adventurers. The two years of trading from 1660 to 1662 were responsible for great changes both in the organisation and objects of the Adventurers. The new charter of 1663[4] gave them the title of "The Company of Royal Adventurers of England Trading into Africa", and increased their territorial privileges, the boundaries within which they were to have a monopoly being extended on the north to reach the borders of Morocco, while the Cape of Good Hope remained the southern boundary. In keeping with their greater privileges more elaborate arrangements were made for the government of the Company, which was to have a governor, sub-governor, deputy governor, court of assistants and an executive committee. The greatest change was in the object to be pursued by the Company. The needs of the Plantations for labour had become increasingly insistent, and the Royal Adventurers therefore decided to make the slave trade their main pursuit. It was expressly provided in the new charter that they should have the "sole, entire and only trade" in negroes on the West African coast. This was the first English charter in which definite statement was made of the slave trade as a recognised branch of

[1] *Cal. St. Pap. Col.* 1574–1660, p. 383.
[2] For the charter see Carr, p. 172.
[3] Zook, G. F., *The Company of Royal Adventurers Trading into Africa*, p. 14.
[4] Carr, p. 177.

English commerce, and from this time onwards until the Abolition Act of 1807 it was ranked as a valuable national asset, essential to the progress of the commercial empire. This first slave-trading company had a brief life, as the expense of setting up an effective organisation was disastrously heavy, owing to the rivalry of the other European traders, which necessitated elaborate outlay for naval and military defence upon the coast.

The Dutch had ousted the Portuguese from many of the best trading places, and like them claimed to exclude all other nations, and the French had gradually secured a strong position in the Senegal region. Both French and Dutch entered into conflict with the English, and a triangular struggle took place. In 1663 after the revision of the Royal Adventurers' charter an English force was despatched to the Guinea Coast for the protection of the forts and trade.[1] Admiral Holmes, in charge of the expedition, found a severe conflict going on in the Gambia with the Dutch, who were attacking the English traders from their base on the island of Goree, which was captured and then garrisoned by the Company's servants. Retaliation for this came in 1664, when de Ruyter recaptured the island.[2] The struggle was also waged on the Gold Coast where the Dutch fort, Cape Coast Castle, surrendered to Holmes in 1664. de Ruyter was less successful on the Gold Coast, and Cape Coast Castle remained with the English, though they lost their fort at Cormantine. In the peace of 1667 their right to share in the African trade received formal recognition, and the transfer of Cape Coast Castle was confirmed.

About the same time the third European Power in the contest, the French, were advancing their power under the care of Louis XIV's able minister, Colbert. In 1664 a French West India Company was established, the successor to a series of unsuccessful companies. This organisation, which was supported by the French Government and active in the Senegal region, became a serious rival both to English and Dutch. Well-defended forts were essential for a trade so strongly contested, and this expense taxed the resources of the Companies. At the same time the Adventurers could not satisfy the demands of the West Indies for negroes, and petitions that the West Africa trade should be thrown open were heard from 1668 onwards. In addition there was a burdensome war with interlopers, and the profits of the Company were insufficient to meet its liabilities. Being so heavily burdened by debt the Royal Adventurers were willing to surrender their charter in 1672,[3] and a new Company, "The Royal African Company of England", immediately followed them, receiving a royal charter in the very year of the Adventurers' dissolution.[4] The privileges granted to this Company were in many points similar to those of its predecessors. Its monopoly grant

[1] Zook, p. 18. [2] *Ibid.* p. 20. [3] *Ibid.* p. 27. [4] Carr, p. 186.

covered the same extent of the African coast and the same period of 1000 years, and prescribed a similar form of government. This Royal African Company had the longest life of all the English African companies; it was the most powerful, and did more for the extension of English authority on the coast than any of its predecessors or than its immediate successor. The years of its greatness were from 1672 to 1687, in which time the Company planted forts and factories on the coast and up the Gambia River, made treaties with the natives, ensured English trade in spite of Dutch and French rivalry, exported large quantities of English manufactures to Africa, and increased the prosperity of the West Indies by supplying them with some 5000 negroes a year. During the years of its success the history of this aristocrat of African Companies is the history of the English slave trade and of the English West African settlements.

Its chief assets, received from the Adventurers, consisted in two forts, one in the Gambia, and one on the Gold Coast (Cape Coast Castle), and six factories, for which £34,000 was paid to them.[1] A bold policy of extension was decided upon by the new Company, and the circumstances of the time were propitious for the English, since Colbert's *Compagnie des Indes occidentales* was dissolved in 1672 as a complete financial failure,[2] while the Dutch West India Company which had been founded in 1621 was for the moment hopelessly crippled by internal quarrels and by the expenses of rivalry with France.[3] On the coast everything was favourable for an energetic English Company, and the plantation demand for negro labour was increasing. The difficulties of the Dutch West India Company had shown that unity and sound organisation were necessary for successful trade, and the Royal African Company paid no little attention to the subject. Its charter had laid down the outlines of a scheme of government, but many additions had to be made to this machinery in the interests of efficiency and despatch of business.

The Court of Assistants was a hard-working body, meeting from five to nine times a month to decide on general lines of policy, and to consider reports from sub-committees which it appointed for special matters. The Court kept firm control over all affairs connected with the slave trade or with its holdings in Africa. The coast service was entrusted to the versatile overseas servants of the Company, typical of the seventeenth century, who were required to be at once expert in trade and able to negotiate a treaty or wage a war. No doubt as to the subordination of the coast government to that of the Court of Assistants was entertained. The chief officer on the coast was an "agent general", and the position was so little sought

[1] "Some observations on tracts taken out of the Report of the Lords Commissioners for Trade and Plantations" (*c.* 1708), Brit. Mus. 8223, e. 4/12.

[2] Chemin-Dupontès, P., *Les Compagnies de Colonisation en Afrique occidentale sous Colbert*, p. 81.

[3] Lannoy et Vander Linden, *Histoire de l'expansion chez les peuples modernes*, II, 190.

that in 1680 the Court of Assistants had to consider methods of encouraging "able and honest men to sue for chief at Cabo Corso".[1] There were many reasons for the lack of enthusiasm for the position. It was extremely onerous, and the climate made it dangerous. William Bosman, a chief factor in the Dutch service, ascribed the unhealthiness of the Gold Coast to "a thick, stinking and sulphurous damp or mist", which prevailed in the early morning, and to native habits, among them their "pernicious custom of laying their fish for 5 or 6 days to putrify before they eat it", so that "if this odious mixture of noisome stenches very much affects the state of health, here, it is not to be wondered". He believed that the appalling rate of mortality among Europeans on the coast was also due to bad feeding, excessive drinking and absence of medical assistance, "for we have no help to have recourse to but corrupted Medicines and unskilful Physicians".[2]

A certain spice of adventure was the chief compensation for the risks of the position, but adventures were not a daily part of the life of the chief agent, and were far from being the lot of those lower in the service. The Company had been founded mainly for the purpose of buying and selling slaves, and the dull routine duties connected with this commerce in Africa were the chief occupation of the Company's servants. By this time the European slave purchases in West Africa were made according to a recognised system. Most of the slaves for export were brought down from the interior to the European trading stations on the coast by native middlemen who kept this part of the business in their own hands. Details in methods of trading varied on different parts of the coast, but both Bosman, who described Gold Coast conditions in the seventeenth century, and Cornelius Hodges, a factor of the Royal African Company, who preceded Mungo Park in exploring the Senegambia interior in 1690,[3] agree on this point. The elaborate organisation of the Moorish slave trade in Senegambia is described in detail by Hodges, who noted with interest the length of the Moors' journeys, "above 1100 miles on Camels", and their determination to dispose of their slaves for certain commodities and no other. He also remarked that penetration into the interior in order to get cheap slaves was no real advantage, as what was gained in cost price was lost in tolls to native rulers on the journey.[4] Bosman's description of the Gold Coast mentions the same inland trade, the control by native middlemen, and similar payments of customs to native rulers. When the supply of slaves brought down to the coast was scanty, native traders were occasionally trusted with goods to be sent up country to inland markets.[5] The idea that European traders could carry on the business for over four centuries

[1] Minutes, Court of Assist., R. African Co. 29 July 1680 (P.R.O. T. 70/78).
[2] Bosman, W., *A new and accurate Description of the Coast of Guinea*, 1705, Letter VIII.
[3] Stone, T. G., "The Journey of Cornelius Hodges", *E.H.R.* XXXIX, 89.
[4] *Ibid.* p. 92.
[5] Bosman, Letter XIX.

by the simple practice of kidnapping the inhabitants of the coastal districts seems too absurd to need contradiction, but as the question was put to witnesses in the parliamentary enquiry about the African trade in 1817, the persistence of the idea can be seen. Some of the dwellers on the coast undoubtedly were sold for crime or debt or when taken prisoners in war. A certain amount of kidnapping existed among the natives, but Europeans, as a general rule, could not condemn free blacks to slavery. They had to abide by native customs as to what constituted a slave and what a free man in the subtle code of the coast. Custom was a power which gave protection in West Africa as well as on English manors, and the domestic slave of the coast was by no means always the rightless creature he has been painted. The prices paid for slaves to the native dealers varied very greatly in the second half of the seventeenth century. When the Company had a monopoly of the coast the purchase price in Africa of a slave was about £3 and the sale price in the West Indies from £13 to £16,[1] but at the end of the century the planters were complaining that the prices had gone up intolerably.

The goods with which these sums were paid in West Africa varied to some extent during the period, though certain goods had a never failing popularity. Before the English slave trade began, the Dutch had been getting to know the mind of the West African market, and in 1600 a Dutch traveller described vessels of copper (especially basins and kettles), iron, tin, linen, serges and beads as the most valuable articles in trade.[2] The Royal African Company frankly imitated the Dutch, and tried to beat them in the market they had built up. In 1677 the Committee of Goods was directed by the Court of Assistants to have certain Dutch materials copied in England.[3] The Company also developed a trade in English woollen cloth, for all kinds of which, from broad cloth to serges, there was a good demand in spite of the climate. It claimed that it was also the means of introducing new manufactures into England for the express purpose of the African market, among the new materials invented expressly for this trade being "annabasses", "nicanees", "tapseils", and "brawls" made in London, and striped carpets and "boysadoes" made in Kidderminster.[4] European merchants found the natives extremely shrewd business men, and, as the Dutch traveller who has been already quoted pointed out in something of an aggrieved tone, the natives were quick to discover and reject faulty merchandise, and in making purchases inspected them "as curiously as in Europe is done".[5]

[1] *A Clear Demonstration...that the Recovery...of Britain's share of the Trade to Africa is wholly owing to the industry, care and application of the Royal Africa Company* (Brit. Mus. 8223, e. 4).
[2] Purchas, VI, 282, "Description of Guinea", translated from the Dutch, 1600.
[3] Minutes, Court of Assist., R. African Co. 21 August 1677 (P.R.O. T. 70/77).
[4] *A Clear Demonstration* (Brit. Mus. 8223, e. 4).
[5] Purchas, VI, 283.

When the slaves had been purchased, the next concern of the Company was to despatch them to the West Indies with the greatest possible speed. Sometimes negroes were brought to the ports when there were no vessels on the coast, and even when the vessels were awaiting their cargo, delays in loading were inevitable. During these intervals the slaves were kept in the forts in the horrible quarters called by the English "the slave hole", or, more frankly by the Dutch, "the prison". There they were kept and fed at the expense of the Company till they could be put on board the vessels. Of all the barbarities of the slave trade, with the possible exception of the long forced marches down from the interior to the coast, the Atlantic crossing—the "middle passage"—was without rival the worst. The object of the Company was to transport as many slaves as possible in each vessel and it succeeded to an appalling extent.[1] The space allowed for each slave was the amount of deck on which he could lie at full length, and the height allowed was just sufficient for him to crawl out to go to the upper deck for fresh air and meals. Specially decked vessels were built for the trade. In these narrow decks the slaves were packed as closely as possible, and not much imagination is needed to picture the condition in rough weather. Bosman maintained that the Dutch were better than other countries in their attention to the cleanliness of the slave vessels, "the French, Portugese and English slave ships are always foul and stinking; on the contrary ours are for the most part clean and neat".[2] One of the explanations of the long survival of the slave trade is that these vessels did not call with their human cargo at English ports but sailed direct for the West Indies and therefore the worst conditions of the middle passage were not generally known. Second in misery to the slaves were the sailors on the slaving vessels. They had to live in a foul atmosphere, and attend to the miserable cargo, and in addition to the danger of enemy attacks common to seventeenth-century voyages there was the constant danger of a slave rising.

When the vessels reached the West Indies the negroes were again sold and passed to the plantation owners. The percentage charged for the expenses of the Company in delivering the slaves to the West Indies does not represent a striking profit, when in addition to the expenses in Africa and on the passage in feeding the slaves, the serious risks of loss of a large part of the cargo by illness or accident is considered. The number of slaves carried by the Royal African Company to the West Indies in the late seventeenth century was about 5000 a year, each ship carrying from 120 to 700.

For security against rivals the Royal African Company had to extend its holdings in Africa. It therefore built new forts and enlarged those it had received from the Royal Adventurers. By the end of the century its forts were well distributed along the

[1] Bosman, Letter XIX. [2] *Ibid.*

coast, giving entrance to a very wide trading field, their chief centres being the Gambia and the Gold Coast.

The greatest expense to the Royal African Company, and at the same time the strongest argument for its tenure of exclusive privileges, was the part it took in contest with other European Powers. The propitious conditions in which it began did not continue, for both the French and Dutch reorganised their African trade and prepared for a revival of the struggle for mastery; in 1674 a new French Company was formed, and in 1675 the Dutch Company was remodelled. Fortunately for the Royal African Company the main contest after 1674 was between the Dutch and the French. The victory went to the French, who in 1678 captured Goree and Arguin from the Dutch, and established themselves so unquestionably as the stronger power in the Senegal region that Barbot wrote in 1732 that the Dutch "have lost all their interest in these parts of Africa and all manner of trade whatsoever; unless now and then some interlopers of that nation will run the hazard of being seized, and their ships and goods confiscated by the English agent, or the commanders of the Royal African Company's ships following that trade".[1]

With the eclipse of the Dutch the Royal African Company became the chief rival to the French, who maintained that their capture of the Dutch posts in the Senegal region gave them a monopoly of the trade of that territory, and the English Company had thus to face determined opposition even in the Gambia where it had been trading for many years. The French Senegal Company failed because it attempted too much, but in 1684 a new Company with more compassable aims was founded, and was extremely active and hostile to the English.[2] In 1688 the French attempted to capture James Fort in the Gambia from the English but failed.

The situation of the English Company changed when William III came to the throne, and the ensuing war gave an opportunity for settling the Senegal dispute. An English force captured Fort St Louis and Goree in 1692, but the Company was unable to maintain a fortified post at Goree and in 1693 the French retook the island. In retaliation for the English victory in 1692 James Fort fell to the French in 1695. The war weakened both Companies seriously and by the Treaty of Ryswick the *status quo ante bellum* was re-established and conquests were restored.

Meanwhile the Company's profits were also being affected by a conflict with interlopers in the trade. The trouble was by no means new, for within a few months of receiving its charter the Company had petitioned the Crown to order a special proclamation against the intrusion of unauthorised persons into its territory.[3] Charles II

[1] Barbot, J., *Description of the Coasts of Guinea*, 1732, p. 75.

[2] Stone, T. G., "The Struggle for power on the Senegal and Gambia, 1660–1713" (an unpublished thesis in the Library of the University of London).

[3] Minutes, Court of Assist., R. African Co. 20 October 1674 (P.R.O. T. 70/76).

and James II had inclined to support the Company's claims, as a certain proportion of all prizes went into the royal exchequer, and the Company exercised its monopoly rights vigorously. Yet in spite of such discouragements interlopers continued their attacks, and with the first opportunity they asserted their claims. The moment came with the accession of William III when the Bill of Rights was interpreted as implying that all monopolies that had been granted through the exercise of the royal dispensing power were no longer of effect.[1] This interpretation of the Bill was not accepted by the Royal African Company, but the contemporary attacks on the East India Company showed how far from secure those who held royal charters were. The Court of Assistants therefore attempted to get parliamentary sanction for its privileges,[2] arguing that the Company had for years supported the trade, and that it would be compelled to give the trade up unless it were protected from being disturbed. In answer to this the "free traders" submitted that the West Indies would be benefited by a free and enlarged slave trade.[3] From 1690 to 1697 the opposing arguments were at intervals presented to the Commons, who seemed unable to take decisive action. In 1694 they voted that forts and castles were necessary for the support of the trade, and that they could only be maintained by a joint-stock company,[4] but no measure was passed to confirm the royal charter. In 1696 the Company again attempted to secure confirmation of its privileges, but again the "cheap slave" interest defeated it. Two years later the Company changed its tactics, as it realised that the demand of an open slave trade had become irresistible, and instead of continuing the hopeless attempt to get parliamentary confirmation of its monopoly from Barbary to the Cape of Good Hope, it offered to leave to the free traders all the coast except the Senegal and Gambia, if that region were confirmed to it.[5] The offer aroused no enthusiastic gratitude in the hard hearts of the free traders, and caused a storm of opposition from the cloth manufacturers, who depended on the Gambia for the supply of dyewoods.[6] The proposal, though it was rejected by the Commons, led to the passing of an Act[7] which provided that the whole African trade should be open to all His Majesty's subjects, the Company receiving 10 per cent. on all goods imported into Africa, to enable it to defend and maintain the forts for the protection of all traders. An additional duty varying from 5 to 10 per cent. was to be levied in the Gambia region on all exports from Africa except slaves. The Act was to last for thirteen years. From 1698 to 1713 the trade was carried on under its provisions, but from the first it worked badly.

[1] Macpherson, D., *Annals of Commerce*, II, 569.
[2] *C.J.* X, 360, 31 March 1690.
[3] *Ibid.* pp. 448–56.
[4] *Ibid.* XI, 68, 24 January 1694; 113–29, 2 March 1694.
[5] Petition of R. African Co. 13 January 1697–8 (P.R.O. T. 70/170).
[6] *C.J.* XII, 133, 28 February 1697–8.
[7] 9 William III, c. 26.

The Company complained that the sums it received from the duties were quite insufficient for the upkeep of the forts, and the free traders that trade derived no benefit from the Company.

In the period of difficulty with the free traders the Royal African Company was not strong enough to oppose French attempts to trade in the Gambia and even James Fort was attacked and forced to capitulate in 1702,[1] and the Company was unable to spare the money and arms to reconquer it and restore trade there. In this weak position the Company decided to treat with the French Company, and, as the *Compagnie de Sénégal* was in little better state than its rivals, a treaty for mutual assistance against disturbers of the trade was signed in 1705.[2] It was an alliance of privileged Companies against the detested interlopers, and after its signature both Companies tried to restore their trade, but financial trouble continued to beset the English Company, and many of the forts and trading posts fell into a state of utter dilapidation, James Fort being abandoned in 1709.[3] As the thirteen years of the Act of 1697 came to an end the separate traders renewed their efforts to secure the complete abolition of all restrictions. In support of their view they canvassed opinion in Parliament by means of petitions, and in the world at large through a torrent of pamphlets. On the side of the Company it was maintained that the competition of the open trade on the African coast had so greatly raised the purchase price of negroes there that instead of resulting in a lowered sale price in the West Indies, as had been hoped, the Act had had the reverse effect. On the other hand it was the planters, who might have been expected to understand their own interests, who petitioned most eagerly for an open trade in the hopes of more and cheaper negroes. The Company also declared that it performed a great national service by encouraging the woollen manufacture, but the manufacturers protested that their trade to Africa was cramped by the monopoly.

Just when opinion in Parliament seemed to be so clearly in support of a free trade that the next action to be expected was a decisive pronouncement in its favour, the Company produced a new argument. In a petition to the Commons in 1710 it suggested that a strong joint-stock company would be necessary if England were to get the Spanish Asiento.[4] No immediate action followed this petition, except the inevitable counter petition from free traders, but when the preliminaries of the Treaty of Utrecht were being negotiated, the views of the Company were allowed some consideration. By the grant of the Asiento in the Treaty of Utrecht England became the sole importer of slaves into Spanish America. The privileges of the Asiento were assigned by the Crown to the South Sea Company, whose history is dealt with elsewhere in this volume.[5] The resulting

[1] Stone, *ut cit.* p. 185.
[2] Labat, IV, 346.
[3] *An answer to a scurrilous paper...* (Brit. Mus. 8223, c. 4).
[4] *C.J.* XVI, 275, 24 January 1710.
[5] *Vide supra*, chap. XI.

difficulties with Spain did not greatly affect the progress of the English slave trade and hardly at all the English African holdings. As the South Sea Company had no trading places in Africa of its own it entered into a contract with the Royal African Company to supply it with the slaves it needed for importation into the Spanish colonies.[1] The contract did not restore the fallen fortunes of the Company, and its position after 1713 was far from happy. The 10 per cent. duty had ended in that year, and as it was not renewed, the Company had to depend upon what profits it could make in the open market and by the *Asiento*. Such profits were quite insufficient for the upkeep of the forts. From this time, and possibly from 1697 onwards, the history of the Company ceased to be the history of the English slave trade, as the progressive elements in the trade were to be found in the groups of independent merchants, in the growing ports of Bristol, Liverpool, Plymouth as well as London, and in the colonies. The separate traders claimed, and were not convincingly answered by the Company, that before the 1697 Act came to an end they had beaten the Company in the trade and had secured the larger part of it themselves,[2] to the advantage of the woollen manufacturers and of the West Indian planter. This open trade of the early eighteenth century, built up from a number of comparatively small groups, helped not only to develop the English ports, but also to establish English naval supremacy.

The numbers of vigorous free-traders were increasing in London, and adding considerably to the volume of ocean-going craft from that port, but progress in Bristol and Liverpool was more striking. The mutually contradictory figures with which the disputants adorned their arguments in Parliament to show the vast extent of their shipping and the numbers of negroes carried by them cannot be accepted as a trustworthy guide to the progress they had made, but historians of both Bristol and Liverpool maintain that on this trade the fortunes of those ports were built in the eighteenth century. Bristol prospered so well in the slave trade that in 1713 her mayor declared it to be the "great support of our people",[3] and Liverpool made such successful use of the open trade that it was said to have become by the second half of the eighteenth century "the principal slaving port not only in England, but in Europe".[4] In this connection it may be noted that in 1772, Lord Mansfield, in his famous judgment on the case of the slave Somersett, pronounced that slavery was "so odious that nothing could be suffered to support it but positive law".[5] Somersett thereby became a free man, and slavery was henceforward illegal on the soil of England.

[1] Correspondence of the Royal African Company with the South Sea Company 1713–5 (P.R.O. T. 70/38).

[2] *An account of the number of Negroes delivered in the islands of Barbadoes, Jamaica and Antego* (Brit. Mus. 8223, e. 4).

[3] Hunt, W., *Bristol*, p. 214.

[4] Muir, Ramsay, *A History of Liverpool*, p. 192.

[5] See Howell, T., *State Trials*, xx, 82.

While accepting the principle of free trade in Africa Parliament retained a well-founded belief that the Royal African Company's forts were of great importance in defending the English claim to certain of the African slave trade areas, and therefore when the Company presented a petition in 1730 setting forth that, though the trade had been open, it had maintained the forts for seventeen years without assistance, and that it was in urgent need of relief from its "insupportable burden", the petition was followed by renewed examinations in Parliament of the conditions of the slave trade. Resolutions on the matter were agreed to, in which the Commons declared their opinion that the forts were necessary for the promotion of the trade and that an allowance from the national Exchequer should be made towards their upkeep.[1] From 1730 this policy was continued, and the Company received annual grants of £10,000 till 1747, when no grant was made, and the Company had once more to become self-supporting. The impossibility of keeping up the forts without assistance provoked another petition to the Commons, and the Board of Trade was instructed to collect information and report to Parliament its conclusions. In 1749 the Board, well-informed and able as it was, reported itself unable to come to a conclusion from the evidence submitted to it as to the best means of carrying on the trade. It therefore presented to the Commons a number of papers which summed up the chief conflicting views.

In choosing between the rival nostrums for the restoration of vigour to the slave trade Parliament finally declared in favour of a compromise embodied in an Act of 1750.[2] This solution departed from the wishes of those who opposed all Company rule by providing for the erection of a new Company to which the management of the forts was to be entrusted, and departed from the desires of the joint-stock Company supporters by forbidding the new Company to hold any joint stock or to undertake any trading in its corporate capacity. A project for the assumption of direct control by the Government was not favoured, probably because the work of supervising the forts would be too heavy a burden on it.[3]

The Act provided that the forts and other possessions held by the Royal African Company on the West African Coast should be vested in a regulated company, the "Company of Merchants trading to Africa". Admission to the new Company was to be open to all His Majesty's subjects on payment of a fee of forty shillings, and the government was to be in the hands of a Committee of nine annually elected, chosen by the freemen of the Company in the three ports principally concerned with the slave trade, Liverpool, Bristol and London. This Committee was made responsible for the management

[1] *C.J.*, xxi, 522.
[2] 23 George II, c. 31.
[3] Martin, E. C., *The British West African Settlements* 1750–1821, p. 27.

and upkeep of the forts. It was to appoint all necessary servants and officers for the service, and to make annual returns to Parliament of its expenditure. Nothing was said in the Act as to the source of the income from which the Company was to defray its necessary expenses, though provision was made as to the way in which it was to be accounted for. For supervision of the work of maintaining the forts it was provided that the captains of the vessels of the Royal Navy on the African coast should report to the Admiralty on the state and condition of the forts.

As the Company of Merchants trading to Africa was incorporated to prevent the evils of a close trading corporation, careful provision was made that the Committee should not become an exclusive autocratic body, and in addition to the rule of annual election it was provided that no member of the Committee might be elected for more than three successive years. This regulated company was not in its corporate capacity a trading company, but an organ of local government in West Africa. The slave trade, after the Committee of the Company entered fully upon its powers, was left entirely free and open to all His Majesty's subjects, and the new Company was stringently debarred from exercising any restrictive authority whatever over traders on the coast. Those who engaged in the slave trade were therefore free to pursue it as they chose, and entitled to the protection of the forts, which were to be maintained out of an annual parliamentary vote. The Committee appointed to undertake the management of the forts was representative of all the traders who chose to pay the small admission fee and thus the victory of the separate traders was complete. "Free Trade to Africa by Act of Parliament" was the motto on the Company's seal, and under this motto the slave trade was carried on until its abolition in 1807.

An Act passed in 1752 "for making compensation and satisfaction to the Royal African Company for their charter, lands, forts",[1] provides an opportunity for surveying the extent to which the English slave trade had added to the English possessions. It included a list of the forts which were handed over to the 1750 Company, namely one fort on the Gambia and seven on the Guinea Coast, thus affording evidence of the decline in the Company's power from the days of its brief prosperity in the seventeenth century. By 1750 the slave trade had fallen into the hands of small groups of independent traders, and the government of the British West African holdings was passing from the Company control of the seventeenth century towards the direct assumption of authority by the Crown which was to come in the nineteenth.

Though the coasts had been frequented by British vessels from the fifteenth century, not much addition to the knowledge of the interior of Africa had been gained by the middle of the eighteenth. The slave

[1] 25 George II, c. 4.

trade was to a large extent responsible for this ignorance. Peaceful penetration was difficult in a continent where strangers were liable to be captured and sold as slaves, and armed penetration was not possible for the small groups of Englishmen who frequented the coast either as representatives of a trading company, or as individual adventurers. Nor did the English traders greatly desire to undertake the work of exploration. Their position in the slave trade was that of one of the many middlemen between the Muhammadan or other slave raiders and the English planters in the West Indies. For this occupation adventures into the interior would have been a great additional danger and expense, without providing compensating financial gain. The safest method of penetration for Europeans, strategically, was by the rivers, but the climate of the rivers of tropical Africa exacted so heavy a mortality from Europeans that the protection given by the ships' walls against human enemies was offset by the decimation of the crews in their cramped quarters and the unhealthiness of the moist atmosphere. For these reasons the English, in company with other European Powers, left the exploration of the interior until conditions changed at the end of the eighteenth century.

By 1750 the Africa that was known to Western Europe, apart from Mediterranean Africa, consisted of a well-defined coastline and a number of regions in which the Europeans had their trading posts, with some features of the interior sketched in, according to hearsay or imagination. The region of the Senegal and Gambia rivers was well known, for traders had penetrated some considerable distance up these rivers; the coastline and islands between the Gambia and the coast of the Gulf of Guinea were also accurately known and charted, as was the Guinea Coast itself. The French had a fort on the island of Goree guarding the approach to the Senegal, and one on the island of St Louis in the mouth of the river, and many factories up its course. The British, in addition to a fort on James Island in the mouth of the Gambia, had a number of factories up the river the entrance of which they commanded. The Portuguese had trading stations on the Bissagos islands, and the Guinea Coast was dotted with European holdings. This shore was divided, from west to east, into the Grain Coast, Tooth (or Ivory) Coast, Gold Coast and Slave Coast, the majority of the forts being concentrated on the Gold Coast, where the Dutch and English together had some twenty-five forts and factories, the Brandenburgers two, and the Danes one. Other trading posts were established and abandoned, so that the number of places in effective occupation varied from time to time. All these Guinea forts were erected on a strip of coastal plain separated by a range of mountains from the little-known interior.

The power of the native kingdom of Ashanti was being built up, but it was still an inland power only, and the coast was in possession

of a number of small native powers of which the Fantis were the strongest. From the coast to the Ashanti borders there was communication by trading paths down which the slave coffles came, except in time of native wars when these were blocked. Behind the Ashanti territory lay a region about which there was no accurate knowledge. The most disputed feature of this distant interior was the great riverway of the Niger, concerning which men made interesting speculation. The most accurate cartographer of Africa in the early eighteenth century, the Sieur d'Anville, who was employed by Louis XV, made no guess at the course of the river, and left the Niger out of his maps, inscribing "on n'a aucune connoissance de ce qui est plus avant dans les terres" on the land just north of the coastal region,[1] but others who followed him had less restraint. An Englishman who published a map in 1760 depicted the Niger as a river flowing between two lakes about longitude 3° East and a marsh in longitude 10° West, with no egress to the sea.[2] This was more accurate than a commonly accepted view, which was expressed in the *Annual Register* in 1758, that the source of the Niger was in East Africa, and that it flowed westward to the coast dividing into three branches, the Senegal, the Gambia, and the Rio Grande, by which it entered the Atlantic. Until the time of Mungo Park's explorations, however, this view remained current in England. To the east of the Gold Coast the native kingdom of Dahomey, where the British had a fort at Whydah, was a synonym for barbaric tyranny, and knowledge of the interior was possible only so far as it was allowed by the native ruler. Though there were no English settlements in the Congo region there was some knowledge of that interior due to the Portuguese settlements there. In the eighteenth century East Africa belonged to an entirely different sphere from that of West Africa, the latter pertaining to Atlantic commerce, the former to that of the East Indies. Oceans, not continents, made unities in the eighteenth century, and the English thought of Africa from 1750 to 1787 as the Atlantic coastline opposite the West Indies, an essential part of an important triangular trade.

The Company of Merchants had not long been established before rivalries with the French in the Gambia and with the Dutch on the Gold Coast disturbed its peace. French rivalry, though it was strongest in the Gambia region, was also felt on the Gold Coast, and the English traders sought to secure a footing farther north than the Gambia, so that they might have free entrance to the gum trade from which the French were attempting to exclude them.

The Seven Years' War stimulated the rivalry of English and French, and the wishes of the English traders were met by the prosecution of a vigorous African campaign in 1758. The English forces captured the

[1] d'Anville, J. B., *Carte particulière de la partie principale de la Guinée*, 1729.
[2] Bennett, R., *Africa according to Sieur d'Anville*, 1760.

French headquarters at Fort St Louis in the Senegal in May 1758, and Goree in December.[1] The Gold Coast was little troubled by the war. The French attempted in 1757 to capture our headquarters at Cape Coast Castle, but failed,[2] and by the end of the war the British had won substantial successes over the French. Yet at the Peace of Paris the English captures in Africa were not all retained, the claims of the African traders not being appreciated to the same extent by those who concluded the treaty as they had been by Pitt. By the treaty of 1763 England acquired the Senegal with its forts and dependencies, but restored the island of Goree to France, a cession which caused much indignation. Pitt had insisted on the English retention of both Goree and Fort St Louis, and he now protested against the restoration of Goree to France as unstatesmanlike and unnecessary.[3] The retention of the island gave France a base in a good strategic position for preying on the English trade. England, however, gained a large new trading ground situated in a valuable region.

With the French continuance in Goree a strong government was needed for the new English territory if the claim to control the gum trade, which the English merchants had desired, was to be made effective. The great value of this trade in the eighteenth century was due to the importance of gum in the finishing processes of silk materials, and it was, therefore, a necessity to the manufacturers of both France and England. The region north of the River Senegal was the best gum-bearing area in West Africa, and both countries wished to keep their rivals out of this extremely desirable territory. It was also urgent that some authority should be put in command of the ceded forts without delay. In 1764, in answer to a request from the Committee of the Company of Merchants trading to Africa, an Act was passed by which the Senegal was united with the other English forts under its management.[4] This arrangement for the government of the new territory did not last long, as there were complaints of the weakness of the Company's administration and of its failure to maintain English authority against French aggression. In consequence the Board of Trade and Plantations recommended that the British holdings should be divided into two groups, those in the Senegal and Gambia region being under a new form of administration, the others being left to the control of the Company, and this arrangement was adopted.[5] Following this Act a Crown province was erected out of the old Gambia holdings and the new Senegal forts and dependencies, under the name of "Senegambia". Its administration seems strikingly elaborate in comparison with that

[1] See C.O. 267/12.
[2] Letters, Co. of Merchants trading to Africa, 13 Feb. 1757 (P.R.O. T. 70/30).
[3] *Parl. Hist.* XV, 1266.
[4] 4 George III, c. 20.
[5] Representation by the Board of Trade to the Crown, 2 Feb. 1765 in Colonial Office papers. C.O. 391/72.

which had been considered adequate for the rest of the coast.[1] The constitutional scheme, probably due in the main to Lord Shelburne, was designed in imitation of the government of the American colonies with certain modifications adapted to the particular conditions of West Africa. The chief authority was entrusted to a governor, acting with a small council. A chief justice had power to erect the necessary courts for both civil and criminal cases. Trial by jury was to be instituted, and justices of the peace and constables appointed after the English fashion. There was to be an agent as well as a secretary to the province, and for native affairs a secretary conversant with the Moorish tongue. That the province should lack no aid to civilisation, the establishment included schoolmasters and chaplains, and to strengthen the governor's position in maintaining the defence of the colony a vice-admiralty court was to be set up for the trial of cases of piracy and adjudication on prizes, under the presidency of the governor. The *raison d'être* of this province being the extension of English commerce, a superintendent of trade was appointed to guard that interest. Three companies of white soldiers called Independents provided the necessary defence. As good salaries were provided for the chief officers in this establishment, the governor receiving £1200 a year, and the chief justice £400, the cost of the Senegambian administration amounted to about £10,050 a year. To meet the burden Parliament passed an Act in 1765 laying a duty on all gum exported from the coast.[2]

Whatever the merits in the abstract of this scheme of government it failed to suit the conditions of the country, and the successive governors found themselves involved in difficulties in carrying out the terms of their instructions.

The first governor, Colonel Charles O'Hara, arrived in West Africa in 1766.[3] In accordance with his military interests, he set himself at once to remedy what he considered the appalling weakness of the province, and without greatly troubling himself about the civil administration he began to rebuild the defences of Fort St Louis and to prepare for vigorous measures against the French. The delimitation of boundaries being ambiguous in the treaty of 1763, O'Hara gave to it an extensive interpretation, and prepared to deal severely with any French intrusion upon British claims. Though his rule seems to have been generally popular, he offended the inhabitants of the island on which Fort St Louis stood by moving some of them to the mainland on grounds of military necessity. His rule came to an end with his recall and dismissal for having failed to carry out the terms of his instructions. He left the coast late in 1776, and in the following year a heated debate on the African settlements and their

[1] See Martin, E. C., *The British West African Settlements*, pp. 57 seqq.
[2] 5 George III, c. 37.
[3] See Martin, pp. 76 seqq.

government took place in the Commons.[1] It turned mainly on the mismanagement of the Company of Merchants trading to Africa, but the Opposition now tried to censure the extravagance of the Government in Senegambia. The attack was eluded by Lord North, but the governor appointed to succeed O'Hara felt its effects. After an interval of some months, John Clarke arrived to take command of the province in April 1777. His instructions were a revised edition of those which had been given to O'Hara, and he was advised not to fall into his predecessor's errors. The new governor attempted to set all parts of the administrative machinery working, but found very great difficulty owing to the lack of a resident English population. During his rule courts of judicature were set up and used, but when appeal was brought against them in England, they were pronounced to have been illegally constituted—a ruling which brought both the governor and the chief justice under risk of penalties for illegal action. Constant criticism was Clarke's portion, as the Government wished to be able to answer its opponents, and Lord George Germaine informed him that the Senegambian establishment was to be retrenched. Before he had an opportunity of putting the reforms into practice Governor Clarke died, a victim to an epidemic that swept the garrison in August 1778. While he was in command, the French declared war on Great Britain; but Clarke died just as the first French expedition to Africa was on its way to the coast. A quarrel arose among the British officers as to who should succeed him, and the rival parties finally attempted to settle the matter by force. When the French vessels arrived off the island of St Louis, one part of the British garrison was occupied in holding the fort against another, and, engaged in this dispute, they offered no serious resistance to the French, who settled the quarrel by taking the command upon themselves.[2] This loss of the headquarters in Senegambia was not allowed to pass without retaliation, and in 1779 Goree fell into our hands.

On the rupture with Holland in 1780 there was a contest on the Gold Coast, though neither the Dutch nor the English there desired a trial of strength by engaging in open warfare. The Dutch had just lost a very able governor, and his successor was a man of far less vigour, while the English were conscious that their forts, garrisons, and supplies were in an extremely precarious condition. When news of impending hostilities reached the coast, they, therefore, agreed among themselves to maintain an attitude of neutrality.[3] Owing to this policy no welcome was given to some British privateers who appeared at Cape Coast Castle in February 1781, with captured Dutch vessels, or to the news they brought of the official proclama-

[1] *Parl. Hist.* XIX, 291 seqq.
[2] Letter from Schotte, 29 March 1779 in C.O. 267/20.
[3] Governor at Cape Coast Castle to Committee of Co. 19 March 1781 (P.R.O. T. 70/33).

tion of the outbreak of hostilities. Instead it was agreed by the Dutch and British to continue at peace. The British desire for neutrality waned after the arrival of the store ship in May 1781, and though the governor wished to hold to his agreement with the Dutch, he was over-ruled by the council, and a force of volunteers from the British forts, acting in co-operation with Captain West of H.M.S. *Champion* who had been sent out to protect the coast, attempted the capture of one of the Dutch forts. The expedition failed, and the Dutch retaliated by a successful attack on one of the English forts. Matters became more serious when both sides attempted to strengthen their position by enlisting native support. Neither was, however, strong enough to undertake any formidable attack until reinforcements were sent from Europe. Finally in February 1782 a naval and military force arrived from England under the joint command of Captain Shirley of H.M.S. *Leander* and Captain Kenneth Mackenzie in command of two Independent companies; but a combined sea and land attack on the Dutch headquarters at Elmina failed, owing to lack of co-operation between the commanders; and Captain Shirley, refusing to act with Captain Mackenzie, made a naval attack on the lesser Dutch forts. Of these he captured five; four surrendered on summons, Mouree, Cormantine, Apam, Berracoe, and the fifth, Accra, after a twenty days' siege.[1] Having thus to some extent covered the disgrace of the defeat at Elmina, he sailed to the West Indies and left Mackenzie to garrison the conquests. The *Annual Register*, never a very discriminating authority on African matters, in commenting in 1783 on the campaign pictured its results as the collapse of Dutch African power "stripped of most of their settlements on the Coast of Africa by Captain Shirley".[2] Opinion on the coast, however, was that his operations had been badly planned, worse executed, and were of very little practical use because the Dutch headquarters had been left intact.[3]

During the negotiations for peace the African holdings were among the matters which caused difficulties. Vergennes declared to the English representative that France expected to get revenge for the humiliations of 1763,[4] which included her African losses. In the treaty discussions, however, it was early agreed that the Senegal was to be restored to France, the Gambia continuing in British possession; but the British merchants were anxious that their right to an exclusive possession of the Gambia should be clearly recognised by France. It was a long-standing grievance that the French persisted in trading within the river and keeping a station at Albreda. Governor O'Hara had taken vigorous steps against all such attempts, considering the French as intruders, but the Board of Trade and Plantations

[1] Shirley to Adm. 23 Feb. 1782 (P.R.O. AD. 1/2485).
[2] *Annual Register*, 1783, p. 115.
[3] Governor of Cape Coast Castle to Committee of Co. 6 June 1782 (P.R.O. T. 70/33).
[4] Alleyne Fitzherbert to Lord Grantham, 31 July 1782 (F.O. 27/3).

had been uncertain on this point. Fitzherbert, the British representative, was instructed to secure an admission from France of the British claims, but he failed, and his correspondence suggests that he himself considered the claim unreasonable.[1] The final terms left the Gambia rights undefined, and contained other matter for future quarrels. By the treaty of 1783 it was provided that France should regain the Senegal and Goree, that England should retain the Gambia, and have a right to share in the gum trade, and that the two nations might frequent the rest of the African coast as they had done in the past. Accordingly British Senegambia came to an end, the Gambia territory alone remaining of the former province. Yet the position of the rivals was not quite that of 1750, as the British right to a share in the gum trade had been recognised.

The Anglo-Dutch Treaty of 20 May 1784 provided for a mutual restitution of conquests, and the appointment of commissioners by both countries to settle a dispute concerning part of the Gold Coast. The restitution of conquests was equitable, as the burden of maintaining five additional forts would have been a useless expense at a time when the decline of the Dutch power on the coast had become evident.

A comparatively peaceful period of ten years followed the treaties of 1783 and 1784, during which certain changes in the balance of the various Powers became evident. The Dutch authority on the Gold Coast was no longer a serious menace to the English forts, and in the Senegal and Gambia region the French and English were much more evenly matched than they had been in 1750. Another interesting change that had taken place almost unnoticed during the American War indicated the passing of certain old traditions in African trade. Spain had remained without a holding on the African coasts from the time of the delimitation by the agreement of Tordesillas in 1493, but during the American War she secured from Portugal the island of Fernando Po, which with the island of Annobon became posts from which she secured a share in the slave trade.

France being now in possession of the Senegal it was essential that effective occupation should be maintained in the Gambia when it had been confirmed to England. The Province of Senegambia having ceased to exist there was no English authority expressly responsible for the government of the district. The Company of Merchants trading to Africa was still in charge of the forts and trading posts south of the Gambia, but by the Act of 1765, which was still in force, it had no powers further north. Thus there was the choice before the Government of re-establishing a Crown Colony in what remained of Senegambia, or of re-extending the boundaries of the Company of Merchants, unless it was to devise some new scheme of local government for West Africa. The cheapest and easiest course was

[1] See Fitzherbert's despatches January 1783 (F.O. 27/5).

chosen, and in 1783 an Act was passed by which the Gambia was revested in the Company of Merchants trading to Africa, which was to receive an annual grant for its upkeep.[1] The administration of the forts and settlements in the Gambia and on the Gold Coast by the Company of Merchants continued until the slave trade was abolished in 1807.

In the history of our relations with Africa the years 1784 to 1787 may be taken as the end of the period in which the promotion of the slave trade was considered the *raison d'être* of the English connection. The literature concerning Africa that was published in England indicates the change. Up to 1787 the bulk of the printed matter about the subject was concerned with arguments as to the best means of promoting the slave trade, or eulogies on its importance, and little else, but after 1787 there is far more variety in the topics of books or articles on Africa. The settlement for freed negroes at Sierra Leone founded in 1787, the argument about the justice of the slave trade after the beginning of the abolition campaign in the same year, and the beginning of modern scientific exploration, with the foundation in 1788 of the Society for the Promotion of the Exploration of the African interior, introduced a new age in the British connection with Africa.

[1] 23 George III, c. 65.

CHAPTER XVI

THE SEVEN YEARS' WAR

THE decade after the Peace of Aix-la-Chapelle witnessed staggering changes in Britain's fortunes. Five quiet years, which bequeathed to history their catchwords of "no Jews, no wooden shoes"[1] and "give us back our eleven days", yielded at Pelham's death (March 1754) to a time of brisker motion. It seemed in 1755 that Newcastle, his brother and successor, had secured for Britain and Hanover enough sponsors among the Powers to warrant an aggressive defensive against the French. Next year, however, Newcastle's house of cards fell down, and at midsummer 1757 a seemingly ruined country turned as a last resort to William Pitt. Before the following year was out, the seas at least were safe and Hanover defended, while the Americans were expressing with the aid of 60,000 gallons of rum their relief from the Canadian menace. In every continent the stage was already set for the classic triumph of 1759. Pitt, anti-Bourbonism incarnate, had made the history of Britain seem his own.

The Seven Years' War (1756–63), indeed, which for Britain may be said to have substantially begun in April 1755, contrasts with that of the Austrian Succession (1740–8) as Pitt with Carteret, his master.[2] Each war began as a struggle for power in the New World, and each was swiftly complicated by the conflicts of the Old. But while in each, as the history of Hanover may show, the interests of Europe proved decisive, Pitt's world-embracing vision was never dimmed by the tradition of the scribes. The threat of French invasion, all-potent in 1744 and 1756, was not suffered to disturb his plans in 1759. The people's minister thus made conquests that the people would not resign, and while imperial history recalls but faintly the peace of 1748, it commemorates no prouder trophy than the peace of 1763.

The Peace of Aix-la-Chapelle, indeed, was a "mere end of war because your powder is run out",[3] a conscious breathing-space for the unsolved problem, "France or Britain"? While Newcastle dreaded bankruptcy, Lady Yarmouth had neither the will nor the power to play the Pompadour, and her royal lover was regarded as a miser. Sober estimates in the 'fifties credited George II with a hoard of £15,000,000,[4] while France, with a tradition of international

[1] Hertz, G. B., *British Imperialism in the eighteenth century, passim.*
[2] Williams, B., *The Life of William Pitt, Earl of Chatham*, I, 52.
[3] Carlyle, T., *History of Frederick the Great*, bk XVI, chap. iii.
[4] Wyndham, H. P., *The diary of the late George Bubb Dodington*, 29 May 1754 and 3 Sept. 1755.

munificence to support, failed to subscribe a royal loan in half a year of peace.[1] Such sordid considerations might impel the French to postpone a rupture, and Louis' preference for the excitement of dismissing ministers to the labour of selecting good ones[2] helped to make his policy feeble, short-sighted and unpatriotic. But Britain, none the less, remained the enemy—a heretic and unmonarchic state, the leader of Europe against Louis XIV, the patron of militant Germany, and, alike in the Netherlands and by sea, the unsleeping gaoler of France; a Power always intent to divide the Bourbons, to filch away French commerce, and to cripple French dominion overseas. Thirteen years after the so-called peace and six after the renewal of strife, Stanley and Choiseul "at last agreed that the real sources of the war had been the leaving the treaty of Aix-la-Chapelle imperfect and incomplete".[3] No agreement in 1748, however, could do more than palliate the symptoms of so deep-seated a disease. A truce, even an *entente* between France and Britain, merely gave them time for fresh growth and tacit preparation. Only the subjugation of one or a revolution in the conception of nations as natural rivals could end their recurrent feud. And France at least was too vast, rich and well-peopled to share the fate of Portugal, Spain and Holland.

But although the Peace of 1748 had been powerless to harmonise France and Britain, it had silently registered the solution of two other great questions which the war had no less been waged to solve. Austria, it was clear, survived, and Prussia had made good her bold intrusion into the inner circle of great States. These plain facts must obviously affect Britain in the future only less powerfully than her unappeased antagonism to France. For her it had become a commonplace that France was "the only state which either Europe in general or England in particular can be endangered by".[4] Against France she naturally sought aid from Germany, that body composed of some two hundred fragments but with a Habsburg emperor at its head. That this simple and natural arrangement, the very fulcrum of the balance of power, should give place to a dualism whereby Germany, as a counterpoise to France, was well-nigh abolished—such a revolution seemed to Newcastle and his colleagues almost beyond belief. Their perplexities were increased by the fact that Hanover lay defenceless against Prussia, with her 130,000 well-trained troops and her fortress of Wesel, convenient to admit the French across the Rhine. They found it hard to believe that, with the interest of Britain and the liberties of Europe to serve, Austria and Prussia could not be brought, as of old, into an alliance.[5] Maria Theresa and her

[1] F.O., France, 250, Paris, 23 April 1755.
[2] *Mémoires du Duc de Choiseul*, 1719–85, pp. 134, 141.
[3] F.O., France, 251, Paris, 8 June 1761.
[4] [Mauduit, I.], *Considerations on the present German war* (5th edn, London, 1761), p. 13.
[5] Ruville, A. von, *William Pitt, Earl of Chatham*, I, 384 seqq.

ministers, none the less, had the best of reasons for the "absurd peevishness"[1] with which they placed the eventual recovery of Silesia before all other objects. Silesia had been the Habsburgs' best province. Its loss not merely damaged their prestige both in Germany and throughout their heterogeneous empire but constituted a grave strategic threat both to Prague and to Vienna. More weighty still was the shock which the rape of Silesia gave to the moral basis upon which all States rested and dynastic Austria most of all. "The Prussian soldier and his atheist theory", it has even been maintained,[2] "had compassed the first mere conquest of European territory which had been achieved by any European power" since Europe had been Christian. If Silesia remained Prussian, European anarchy would begin.

His Most Christian Majesty, indeed, the Habsburgs' hereditary foe, was as little moved as was the British public by such refinements. To the one Prussia formed an efficient if untrustworthy ally, while the other could not regret Protestant success in a domestic quarrel between Germans. Since Silesia had become Prussian, the interest on the Silesian loan had been paid, a duty which Austria had consistently neglected.[3] Prussia's remaining neighbours, however, viewed her rise with less indifference. Augustus, Elector of Saxony and King in Poland, could not be unaware that Saxony and Polish Prussia ranked next to Silesia on the list of Prussian *desiderata*. Elector George of Hanover distrusted and detested his nephew Frederick on every ground. Sweden, a distracted Power threatened with dissolution, feared for her remnant of Pomerania. In Russia, Elizabeth, a daughter of Peter the Great, now reigned (1741–62). Indolent and dissolute as she was, her deepest feelings were outraged by Frederick's life and tongue, and she never lacked energy when it was a question of removing such an obstacle to the advance of Russia as this satirist of herself and standing offence to God. Such were the clouds on Prussia's horizon which made it possible to argue that of all possible allies for Britain Frederick was the worst, since he must bring with him the enmity of all Europe.

In 1748, therefore, a British servant of George II had two chief problems to consider, a German and a French. The rise in Germany of a Power inherently aggressive, spending five-sixths of its revenue upon armaments, and fettered neither by geography nor by morality in its advance, rendered further aggression or counter-aggression certain, whether Frederick lived or died. No less certain was the renewal of the strife between France and Britain. Conscious of what we had gained by the destruction of the French marine and the dissipation of the Stuart threat, we could await without dismay the

[1] F.O., Prussia, 65, Mitchell, Berlin, 24 June 1756.
[2] Belloc, H., *Marie Antoinette*, p. 8.
[3] Satow, Sir E., *The Silesian loan and Frederick the Great*, p. 2.

outbreak of such a struggle, if only it was uncomplicated by the intrusion of other Powers. On and across the seas our superiority was enough for victory. On land, however, our inferiority was no less marked. And on land we were painfully vulnerable both in the Netherlands, which were vital to the nation, and in Hanover, which was vital to the King. So long as George II remained alive, British policy must be swayed by that separate interest which prompted the words "*Your* America, *your* lakes, *your* Mr Amherst might ruin *you* or make *you* rich, but in all events *I* shall be undone".[1] The famous constitutional formula of the Princess of Wales, "The King may sputter and make a bustle, but" [when the ministers say it is necessary for his service] "he must do it"[2] might hold for domestic politics but not for British-Hanoverian. We were, therefore, indeed become "an insurance office for Hanover", and with such risks as France and Prussia impending, the premium would be a high one.

In the Netherlands, indeed, we reckoned upon help from the Emperor, who owned them, and from the Dutch, to whom it was a vital interest that they should not be French. Austria, however, might contend with some reason that, since the defence of these provinces was vital to the Sea Powers, and since the commerce of Ostend and of Antwerp was restricted for their advantage, they should regard it as their privilege to do the work themselves. Austrian pride was outraged by the renewed stipulation in 1748 for a chain of forts to be garrisoned by the Sea Powers and to defend the Austrian Netherlands against France.[3] If, therefore, France and Prussia remained allies, a future Silesian war meant for Austria either the detachment of an enormous garrison to hold the Netherlands or, at the peace, the sacrifice for their redemption of what she might have conquered nearer home.

The connection between France and Prussia, indeed, was so embarrassing to Austria that it might well prompt her to reconsider the policy traditional since Charles V. Why should the House of Habsburg continue to regard itself as bound by fate to struggle always and everywhere against the House of Bourbon? The crime of France against the Pragmatic Sanction seemed as nothing in comparison with that of Prussia, and at Aix-la-Chapelle the deepest wounds had been inflicted not by France but by Britain. If post-war France were anywhere aggressive, it was beyond the seas, in regions with which Austria had no concern. In Kaunitz, moreover, Austria now possessed a statesman capable of new ideas, and one who by 1749 had already framed a project of *entente* with France.[4] That France would consent seemed indeed to many as improbable as that Austria would ever

[1] Williams, I, 384.
[2] Dodington, *Diary*, 8 Feb. 1753.
[3] Cf. Rousset, *Recueil historique d'actes, etc.* I, 37 seqq.; and Koch et Schöll, *Histoire abrégée des traités de paix*, II, 420.
[4] Koser, R., *König Friedrich der Grosse*, I, 474.

ask. Newcastle pooh-poohed the idea,[1] and, fed with the ordinary fair words of diplomacy, persisted for seven years more in endeavouring to galvanise and fortify "the old system". But in the argument: France and Britain must stand opposed; Austria must regain Silesia; for this purpose Britain can give less help than France, there lay too much of truth to perish, and the ever-famous Revolution in Alliances of 1756 was the result.

If indeed "the old system" were not moribund beyond hope, the conduct of the British Government during the six years after 1748 cannot be called unwise. The sluggishness or ill will of Austria, the mainstay of "the old system", was overlooked, and every opportunity of propitiating her was eagerly accepted. To spare her susceptibilities, Britain shunned a new *entente* with France.[2] George II laboured unceasingly to secure the succession of Maria Theresa's firstborn to the imperial crown and actually procured the marriage of her second son to a Modena princess.[3] The great object of reconciling the Habsburgs with the Dutch was in part at least accomplished. Sardinia, invaluable to Austria in Italy, was secured so far as such a term could ever be appropriate to her inconstant and shifting alliance. It was hardly less important to Austria than to Britain that Spain should stand aloof from France, and the cleavage between these Bourbon Powers was happily maintained. Above all Britain prepared to follow the advice given by Kaunitz in October 1749 by securing Russia, "a power raised up by Providence to supply the losses the alliance had suffered in the late wars, and to bring things to their ancient equality".[4] Within four years the rumour ran that 30,000 Russians had been brought into Livonia, with the plain intent of forbidding Frederick to move. France threatened in that case to despatch an equal force to Flanders,[5] but no long time elapsed before Britain returned to the idea. If "the old system" meant that Prussia might be paralysed by a British-paid Russian army, Vienna would not lightly let it go.

In March 1754, then, when "Pelham fled to heaven", and Newcastle, unchallenged alike in the Foreign Office and in Parliament, succeeded, the peace of eastern Europe seemed unstable. Armed beyond all precedent, the conqueror of Silesia could hardly be expected to remain contented with a single acquisition, or to view with passive tolerance the hostile *entente* with which he was confronted. "Have I", he once exclaimed, "a nose intended to be pulled?" and his attitude, uninfluenced by niceties of law save when they favoured him, was well displayed when in 1752 he suspended the payment of

[1] F.O., Germany, 180, to Keith, 3 March 1749 O.S.
[2] *Ibid.*, 1749, *passim.*
[3] *Ibid.*, 191, 14 Aug. 1753.
[4] Conversation with Keith; cf. F.O., Germany, 30 Oct. 1749.
[5] F.O., Germany, 191, 21 Sept. 1753.

his debts to individual Britons in order to convert their Government to his view.[1] The populations and resources of his enemies were perhaps eight times superior to his own and their comparative efficiency was growing. If Frederick lived, a preventive war, if not a war of retribution, could hardly be long delayed.

Yet, as posterity knows well, war broke out first between France and Britain and forced itself upon their reluctant statesmen as the result of local quarrels outside Europe. In the Britain of 1754, King, premier, chancellor, secretaries of state, heads of the Army and Navy —each seemed less likely than the other to design a great war about America, and the Commons at that time existed only to register the ministers' decrees. The late war had been one "in which Great Britain and France gained nothing but the experience of each other's strength and power".[2] France had been the more exhausted and remained in the feebler hands. Puysieulx, the author of the peace, had even proclaimed a vision of the two States, supreme by sea and land respectively, united as in 1717 to dictate peace to Europe.[3] The local and spontaneous strife of their nationals in India was stifled at any cost. So pronounced was the novel accent of his ally, and so clear the signs of her degeneracy, that Frederick came to regard her alliance as of doubtful value.[4] Beyond the Atlantic, however, a different tone prevailed. When the history of colonial expansion, British and Russian alike, throughout the nineteenth century is reviewed, the folly of ascribing conscious duplicity to Louis XV and his ministers becomes apparent. On the North American mainland the French continued as they had begun, preferring the fur trade to axe and plough, ranging far afield rather than pursuing intensive development, organising empire instead of multiplying homes. Since Canada, theirs by every title, was severed from the mother country by waters often impassable and always commanded by British coasts and islands, it would have been strange if they had not sought to connect that province with their sally-port at New Orleans. Always more intelligent and often more humane than the New Englanders towards the Indians, they were strengthening this connection by building forts and expanding their empire by conversion and by annexation. Year by year, while the French and British commissioners at Paris vainly strove to determine boundaries, these accomplished facts grew more numerous. La Galissonière, who as Governor of Canada had in 1749 initiated the aggressive defensive of French America against the instinctive expansion of the British masses, enjoyed the luxury, two years later, of rending asunder the juridical cobwebs spun by our statesmen to veil some of these proceedings. With regard to Nova Scotia, he declared, the boundary claims of Britain rested on the assumption that France had never possessed

[1] Satow, *op. cit. passim.*
[2] Coxe, W., *Memoirs of Horatio, Lord Walpole*, p. 359.
[3] F.O., France, 233, Feb. 1749.
[4] Satow, pp. 34, 181; Koser, I, 569 seqq.

it save by her gift, and upon an interpretation of the Treaty of Utrecht invented some forty years afterwards and contradicted by the documents which she herself produced.[1] The French claims on the Ohio doubtless lay open to an equally destructive analysis. But in the whole collision[2] English critics, like those of every country and of every age, saw clear proof of the unscrupulousness of the foreign Government and of the incompetence of their own. To the younger Horace Walpole the sins of the French in evading the due evacuation of Tobago and other islands and in disturbing Nova Scotia seemed to be but part of a scheme of general aggression overseas. "In the East", he declared, "they were driving us out of our settlements, and upon the coast of Africa seizing our forts, raising others, inveigling away our allies, and working us out of our whole negro and Gold Coast trade."[3] Although the French king was at this time steeped in pleasure, his ministers of foreign affairs transient phantoms, and his diplomatists parodies upon their predecessors, it is true that the interests of France and Britain overseas clashed so sharply that in many regions desultory fighting had gone on unchecked by peace in Europe.[4] Louisbourg had been refortified and, early in 1751, news reached Whitehall that no fewer than 7800 troops had left Rochefort for the colonies.[5] In America French reinforcements found a field where though the British residents might be twenty times the more numerous, expeditionary forces were reckoned only by hundreds, while bands of cannibals stood ready to join the victors. To maintain French claims on the Ohio the mere show of local force might be enough.

In other disputes meanwhile the French were trying British patience but by no means challenging to war. After discussions prolonged over several years, it was arranged that the four disputed West India islands, St Lucia, Dominica, St Vincent and Tobago, should be evacuated until the question of right could be determined. The method seemed drastic, and the Governor of Martinique protested that he could not hunt the settlers out like wild boars, but the pacific Puysieulx gave way. In 1753, moreover, the dreaded works at Dunkirk, which were supposed to contravene the Treaty of Aix-la-Chapelle, were actually submitted to inspection, though the result proved that British suspicion was well founded.[6] More inflammatory and no less juridically obscure were the unending quarrels with regard to Nova Scotia. Here boundaries, allegiance and development were all contested. In 1749 the town of Halifax had been created, and in three years its population, mainly of disbanded soldiers, passed 4000. This challenge to Louisbourg impelled the

[1] *Mémoires des commissaires sur les possessions et les droits respectifs des deux couronnes en Amérique* (Paris, 1755), I, 181.
[2] Cf. Carlyle, *Frederick the Great*, bk XVI, chap. xiv.
[3] *Memoirs* (finished Oct. 1759), I, 82.
[4] Williams, I, 218.
[5] F.O., France, Feb. 1751 (Paris).
[6] *Ibid.* 248, 29 Nov. and 30 Dec.

local French to fresh endeavours to reduce the British power. Their clergy were conspicuous in persuading the inhabitants to quit the country rather than suffer British rule, and even in hounding on the Indians to make life near the disputed frontier impossible.[1] If it was difficult for the French to explain away their own doings by land they could at least charge the British with illegalities by sea. In 1750 the Governor of Cape Breton Island declared that for the French there was no safety, since their ships, cargoes and sailors were constantly seized by the English.[2] British ships were seized wholesale by way of reprisal, while each nation accused the other of building forts on ground which was not its own.

In 1753 these local incidents were eclipsed by a conflict which was deliberately provoked and which pointed less obscurely towards war. In the summer of that year the new Governor of Canada, Duquesne, established two forts to the south of Lake Erie, with the plain intention of following exploration in the valley of the Ohio by effective occupation. In British eyes these forts stood on Virginian soil. Dinwiddie, the Governor of Virginia, was directed by the British Government to build forts on the Ohio and if necessary to remove the French by force. On 11 December, therefore, George Washington, a young Virginian surveyor in the public service, summoned the Commandant of Fort-le-Bœuf to depart. A firm refusal left him no alternative but a toilsome and perilous retreat. The local superiority of the French became apparent when Dinwiddie attempted to follow words by deeds. Of the remaining colonies, North Carolina alone consented to help Virginia. In 1754, however, Fort Necessity, a stockade nearly 150 miles south of Fort-le-Bœuf, was built as the preliminary to the expulsion of the French from their new position on the Ohio at Fort Duquesne. In May, at Great Meadows, a little expeditionary force under Washington killed a French lieutenant and ten of his men who were bringing a letter from the governor. On 3 July the brother of the slaughtered officer with 1500 men received from Washington the surrender of Fort Necessity. The French forward movement had triumphed in the face of merely local opposition. Would the British Government acquiesce, negotiate or fight?

Acquiescence was plainly impossible. As Newcastle declared to Albemarle, our ambassador in Paris, the French were claiming "almost all N. America except a *lisière* to the sea to which they would confine all our Colonies and from whence they may drive us whenever they please".[3] Such strangulation we could not suffer, even if the French had not clearly broken the agreement by moving while the commission still sat. Negotiation, on the other hand, might not seem hopeless. For a colonial struggle, indeed for any struggle against

[1] Parkman, F., *Montcalm and Wolfe*, vol. I, chaps. i–iv, and App. B.
[2] Germiny, M. de., *Les brigandages maritimes de l'Angleterre*, I, 88.
[3] Newcastle to Albemarle, 5 Sept. 1754, cit. Charteris, *Cumberland*, p. 125.

Britain, France must fit out a fleet, but early in 1754, Albemarle reported that no activity was visible at Brest, and at Rochefort and Toulon a palpable reduction.[1] Louis, as usual, showed himself inert; Madame de Pompadour, conciliatory; the ministers, so pacific as to recall Dupleix from India. The crushing superiority of our Navy and the countenance of Austria, Holland, Russia, Sardinia and Spain, might well indispose the French Government to court disaster for the sake of far-distant acres of wilderness and snow. Considerations of higher statesmanship, however, seldom restrain the actions of remote consuls and pioneers. Boundaries in unknown regions based on speculations as to the rights of savage nomads simply invited disputes. Report after report of French encroachment reached Whitehall. Within two years of the peace our statesmen were convinced that for all her fine promises in Europe France sought to keep all she could overseas. "If that be the case, it must be seen who is the strongest and best able to defend their rights."[2] Time and negotiation seemed to bring only an aggravation of the offence. On 26 June 1754 seven ministers, assembled at Newcastle House, resolved that, as the French had destroyed our fort on the Ohio, invaded our territory with a thousand regulars, and endangered all our northern colonies and their trade, most effectual measures should be forthwith taken.[3] The most obvious effectual measure, since war was neither expected nor desired, would have been to organise a sufficient colonial defence force from the British American population. Fourteen years before, Sharpe, the Deputy-Governor of Maryland, had proposed to take one man in twenty-five, in all more than 20,000, and conquer the French possessions.[4] Now with a contest for the future of America clearly ripening, men like Franklin turned to thoughts of voluntary union.[5] American authorities, from Halifax downwards, advocated compulsion.[6] British statesmen, however, alive to a "mobbish turn" across the ocean,[7] feared that colonial union might lead to thoughts of independence, while the remoter colonies shrank from any sacrifice for the good of those immediately concerned.

The British Government, however, was firmly resolved that if, as there seemed reason to believe, the French were negotiating only to gain time for naval preparations, they should not profit by their previous aggression. For 1755 it designed, according to the plan of the victor of Culloden,[8] a fourfold offensive against the Canadian positions. In November 1754 Braddock, a stiff, rough, elderly Major-General, was ordered overseas with a thousand men, to repel force by force, but to do nothing that might be construed as an infraction of the general peace. His mission was explained to the French by Albemarle, whom a love affair enchained to Paris, with such tact

[1] F.O., France, 249, Jan and Feb.
[2] Newcastle Papers, Brit. Mus., Add. MSS, 33029.
[3] *Ibid.* 1750.
[4] *Ibid.* 7 Nov. 1740.
[5] Bancroft, *Hist. of U.S.*, IV, 91, 123 seqq.
[6] *Ibid.* IV, 165 seqq.
[7] Shirley to the Board of Trade, cit. *ibid.* IV, 39.
[8] Charteris, pp. 127 seqq.

that negotiations could continue. Frederick indeed sneered at the ministers of Louis as children who put their hands before their eyes and thought themselves invisible. A humbler or a weaker State than France, indeed, might well have refused to look on impassive while her rival thus filched away the power to defend her colonies. When, however, she in her turn prepared for larger reinforcements the risk of a rupture was necessarily much increased. At this moment Albemarle untimely died. The New Year's despatch of his lieutenant[1] portrayed the natural indignation of the French at the King's mention of their "encroachments"[2] in his speech to Parliament and at British warlike preparations. They were now arming by land and sea and as the time drew nearer when Canadian waters would be freed from ice, hope of a peaceful issue was clearly dwindling.

On 14 February, Frederick declared that the odds on war were ten to one.[3] They were not reduced when Paris learned that George II had pledged himself to neglect no means of securing British rights and possessions, and that Pitt had stated that if Britain would be just towards France, she had not thirty years to live.[4] When both sides formulated their demands, moreover, a well-nigh impassable cleavage was disclosed. France declared herself unable to submit to negotiation either the south bank of the St Lawrence and its contributory lakes, or the belt of land twenty leagues wide on the Canadian side of the Bay of Fundy, or the land between the rivers Wabash and Ohio. These, Britain declared, were the very points regarding which negotiation was desirable.[5]

Not until mid-July, however, did diplomacy confess its failure. Paris then heard that the Canadian reinforcements had been attacked at sea by Marlborough's great-nephew, Boscawen, that many had been killed, and that two men-of-war, the *Alcide* and the *Lys*, with eight companies of soldiers and 200,000 livres, had been taken.[6] The London merchants, scenting commerce and prizes, approved of this violence, but ministers realised that either too much or too little had been done.[7] As Granville and Fox had falsely assured the French ambassador in May that Boscawen had no orders to attack, so now Newcastle protested that the attack was due to a misunderstanding.[8] The lie at least helped France to postpone a rupture for which she was not yet prepared, and to decline Frederick's proposal that she should attack Hanover while he hurled 140,000 men against Austria, Britain's supposed accomplice.[9] Though the French talked wildly of piracy, they were certainly not taken by surprise. Boscawen's action, none the less, went far towards attaching to Albion the stigma of

[1] Ruvigny de Cosne, F.O., France, 250.
[2] 14 Nov. 1754.
[3] To Michell, *Pol. Corr.* XI, 55.
[4] Germiny, *Les brigandages*, I, 84.
[5] F.O., France, 250, Rouillé to Mirepoix, 13 April 1755.
[6] *Ibid.* 23 July (from Compiègne).
[7] Charteris, p. 168.
[8] *Ibid.* p. 153.
[9] Bernis, Abbé, *Mémoires*, I, 210 seqq.

"perfidious", nor was this attenuated when the captain of the *Alcide* reported that the order to fire upon him followed hard upon Captain Howe's assurance that the two countries were at peace.[1]

Despite Boscawen's action, the bulk of the French forces had reached their destination. Soon after came the news that Braddock's fourfold onslaught on French America had failed. The capture of Fort Beauséjour, indeed, cleansed British territory from an alleged encroachment and severed the French land route between Canada and their northern islands. To secure the position, the deportation of some 6000 French settlers from Nova Scotia was soon deemed indispensable. Their firm refusal to transfer their allegiance to Britain portended a renewal of the insecurity and wholesale murder that had marked the years preceding, at the instigation, as seemed clear, of the French. But the attacks on Crown Point and on Fort Niagara were destined to produce only an unfruitful victory in the field and the garrisoning of Fort Oswego. Braddock himself, on his way to Fort Duquesne, incurred a resounding disaster. The General perished; his mistress the Indians outraged, tortured and devoured; the second-in-command behaved disgracefully; the fleeing troops lost their *moral*; the British colonists were disheartened and disgusted, the French proportionately encouraged; while the Indians, as always, inclined towards the stronger side. The undeclared war of 1755 had not gone well for Britain.

Not even the seizure of French ships by scores and French sailors by thousands could provoke their Government to declare war prematurely and thus play Britain's game. Although the French diplomatic representatives left Hanover and London, a captured British cruiser was actually released.[2] All efforts to win outside support by denouncing Britain failed, however, to impress the Government of Spain. Newcastle, though dismayed when he thought of the expense of war, might still calculate that the French must be beaten at sea, and that his conventions, crowned by that of 30 September 1755 with Russia, made "the old system" secure in Europe. The necessary payments had indeed driven Pitt into opposition, but Pitt, it was said, could do anything with Parliament except win votes.

The year 1756 saw the statesman's confidence raised high only to be shattered. While Britain dared France, patriots complained, the monarch trembled for his Hanover. In 1755, the ambiguous attitude of Austria had given frequent cause for alarm. It would have taxed an even more astute diplomatist than Kaunitz to reveal no trace of his sincere and long-standing preference for France. When, as occurred in August, his plan had been adopted by an Austrian conference at Vienna, the difficulty was increased.[3] While

[1] Germiny, I, 123. The English version runs quite differently; cf. Horace Walpole, *Memoirs*, II, 27.
[2] Germiny, I, 139. [3] Koser, I, 586.

Austria was sounding France and quietly arming, he evaded our demands for a closer connection and for that strong garrison in the Netherlands which formed the best safeguard of Hanover against the French.[1] His desire for a French alliance, however, was dictated by hostility to Prussia, not to Britain, and he unfeignedly desired to save the Continent from the contagion of a Franco-British war. Britain, after all, was reckoned anti-Prussian, and her anti-Prussian treaty with Russia gave Austria real pleasure. When the old year closed, the foes of Prussia might count upon the coming distraction of France, her ally, by a war in which none of them would necessarily be concerned.

The King of Prussia, however, was the least likely person in the world to be caught at a disadvantage through inertia. Britain was in his eyes the indispensable paymaster of the Austro-Russian-Saxon combination against himself. Could he not buy his own security by providing that security for Hanover which seemed to dominate her desires? Superior to family hatreds or diplomatic traditions, the philosopher-king proposed a mutual covenant with Britain to keep Germany free of war. George and Newcastle, now faced with vast French armaments, eagerly accepted, and, on 16 January 1756, the Convention of Westminster sealed the bargain. Hanover, thought the self-centred British, is now safe, since both Prussia and Russia are pledged to its defence, while Austria cannot object to a British guarantee of Silesia which already enjoys an Austrian. "The old system" seemed thus to have triumphantly added Russia and Prussia to its ranks. Frederick, on the other hand, plumed himself on having transferred to his own side one of the two great Powers, France and Britain, whose command of money made war possible for those who had only men. Britain, as he calculated, would always dispose of Russia, while France could never uphold Austria, the Power which Richelieu had laboured to pull down.

In these calculations, Newcastle and Frederick alike displayed the traditional failings of their race. While the Briton could not comprehend that Germans should think mere differences between Austrian and Prussian vital, Frederick attested the truth of the aphorism that of all nations the German is the least capable of adapting himself to the mentality of others.[2] Frederick, moreover, could hardly be expected to realise that, in addition to the instinctive reaction of the European society against a member who had undermined its basic law, he was faced with a personal hatred passing the hate of men. By political concessions he had dispelled his uncle's seemingly invincible detestation. That of Maria Theresa, Elizabeth of Russia and Madame de Pompadour nothing could dispel save his destruction. Surmising that he might be attacked in

[1] F.O., Germany, 1755, *passim*.
[2] Count Czernin, cit. Haldane, Viscount, *Before the war* (1920), p. 154.

1757, conscious of perfect readiness for war and unconscious of the deeper realities of the position, Frederick reckoned that a swift offensive would overwhelm the Austrians and perhaps leave Polish Prussia or Saxony within his hands. The seeming climax of British good fortune was therefore swiftly followed by collapse. In January 1756 Newcastle could pride himself upon the triumphant convention with Prussia and upon the rise of our land and sea forces to some 80,000 and some 50,000 men.[1] February brought the news that Vienna had received the convention with a displeasure which offers of British and Russian protection against Frederick could not remove. Their court, said the Austrian public, might soon engage with France.[2] In March, while the French continued to threaten invasion, they were reported to be preparing a great expedition against Minorca and to be hopeful of winning Spanish help against Gibraltar.[3] In May, when at last open war was declared against France, and ominous convulsions were reported in Sweden, it became apparent that the greatest diplomatic revolution in history had been effected. Protesting that the Convention of Westminster had smitten her like a stroke of apoplexy, Maria Theresa declared that she must seek to secure herself from the risk of war,[4] and the Franco-Austrian Treaties of Versailles followed. June brought the alarming news that Russia was declaring that she was bound only to resist an attack upon Hanover by Prussia, while it became clear that Byng's inexplicable failure had lost Minorca to the French and that the nation would not condone it. "Shoot Byng or look out for your King"[5] was a cry to cowe Newcastle if not his master. "We are not able to carry on the war", lamented old Horace Walpole, "nor can we tell how to make peace."[6] In August, despite all British admonitions, Frederick invaded Saxony, and a war of incalculable dimensions had begun.

In September, therefore, when news arrived that Oswego, "of ten times more importance than Minorca",[7] had fallen to Montcalm, Newcastle's system had almost everywhere collapsed. Spain, indeed, disillusioned by French co-operation in the last war, and governed by friendly hands, refused French offers to return Minorca, and for the time being bore with those practices at sea by which Britain always irritated neutrals. But Austria, by tradition our principal ally, was now engaged in a life or death struggle with her successor, the most faithless of princes and the enemy of all Europe. Far from defending Hanover, it was not long before Frederick was explaining to Britain the necessity for evacuating his own western possessions which lay between Hanover and France,[8] and bidding her send a

[1] Charteris, pp. 203, 237.
[2] F.O., Germany, 4 and 11 Feb. 1756.
[3] *Ibid.* Spain, 150, 17 March 1756 (Keene).
[4] *Ibid.* Germany, 17 May 1756.
[5] Besant, Sir W., *London in the eighteenth century*, p. 22.
[6] Coxe, p. 456 (to the Archbishop of Canterbury).
[7] Horace Walpole, *Memoirs*, III, 41.
[8] *Politische Correspondenz*, XIV, 4 Nov. 1756.

large and vigorous army to oppose the French. Thus the old cleavage between George II, with whom Hanover stood first, and his subjects, who cried, "Sea war, no continent, no subsidies", seemed likely to return, and with it the half-paralysis of Britain. Byng's failure had aroused suspicions that the Navy, however large, lacked spirit, while the American campaign proved that the colonists were disunited, and suggested that neither they nor the regulars were of much account in border warfare. The bad beginning and worse prospects of the struggle made a change of ministry inevitable.

During the two-and-forty years of Georgian rule, no real transfer of power from one party to another had yet been made. The Whigs remained the only servants whom a Hanoverian King could trust. Even the fall of a Walpole or a Carteret had changed the *tempo* of policy rather than its direction. Such changes caused little more than a reshuffling of high offices among those members of the great Whig families of whom, as likely to do his business, the King could be persuaded to approve. Such persuasion might come from a premier, a relative or a mistress, but the candidate must not be too distasteful to the Commons, placemen though half the members were. An aspirant upon whom the invincible load of royal displeasure fell could in normal times hope only for a change of King.

Such a man, at this time nearly forty-seven years of age, was William Pitt. Conscious of powers incomparably greater than his rivals', he was far from concealing his superiority from them or from the public. "When he was angry or speaking very much in earnest", said his granddaughter, "nobody could look him in the face."[1] The Duke of Bedford was perhaps the only man in England whom an eye as terrible as Frederick's failed entirely to subdue. Newcastle confessed that he dared not approach him on distasteful business.[2] His voice, his glance, his biting wit, his lofty and passionate appeal electrified the House of Commons. An actor of majesty in an age to which majesty appealed, his influence came from his power to regard men and causes, himself by no means least, in their nobler aspects and from the loftiest point of view. Where many saw a stupid and pretentious little old man in George II, Pitt always recognised the incarnate majesty of Britain. But he also learned to reverence the British people, invested by the Revolution with the ultimate supremacy over their own affairs. He indeed personified the better Britain of his age, that which to sense added sensibility in no small degree, and which contemptuously rejected the place-hunter's advice, "Strive thy little bark to steer With the tide but near the shore".[3] Britons who instinctively desired a purer administration, wider opportunity for merit as compared with birth, a bolder confrontation of corrupt and reactionary France in the struggle for trade

[1] Williams, I, 20.
[2] Dodington, *Diary*, p. 397.
[3] Dodington, cit. Williams, I, 210.

and empire—such found in Pitt a man whose passionate convictions made him the champion of their ideas. Unhappily for his hopes of power, his lack of fortune, his popular principles and his uncompliant personality long closed the Cabinet against him. In November 1755 when he, as Paymaster, opposed the payment of subsidies to foreigners to defend Hanover, he was dismissed. Within a year, however, the collapse of Newcastle's measures had brought the nation into a condition which some thought more critical than that of 1745.[1] Newcastle himself was pelted by the Greenwich mob.[2] Everything compelled recourse to the impressive reserve-force comprised in the personality of Pitt. Too regal to accept high office save on his own conditions, he demanded that Newcastle, notwithstanding his quarter of a century of office, should resign. In November he became Secretary of State with the Duke of Devonshire as a colleague and figurehead.

Pitt's first administration lasted a little less than five months. The time was long enough to prove that his reverence for himself was not ill-founded, and to confirm him in the eyes of the public as indispensable. The Opposition orator turned minister showed amazing capacity for administration, a vision that embraced the globe, and an energy unquenchable by gout and toil. What statesman in that age save Pitt could declare the hearts of Bengal worth more than all the profits of monopolies?[3] The minister of George II, he set Britain above dynasty or party, and rallied to the national cause both the Tories and the camarilla of the future George III. His reluctant master was compelled to declare to Parliament that he relied with pleasure on the spirit and zeal of his people. For that spirit and zeal Pitt prescribed an outlet in a national militia, while striving to sustain them by measures to combat the painful rise in the price of corn. Highlanders, ten years before regarded as inveterate enemies, were to conquer America, and Americans to be enlisted as willing and equal co-operators in the common task. Eight thousand infantry and a powerful fleet might with local aid atone for Braddock's failure and the loss of Fort Oswego, while in India, Africa, the West Indies and the Mediterranean the French were to be steadfastly opposed. Pitt, as he proved later, had the courage to defy all threats of French invasion designed to check these plans.

The weightiest among the problems which confronted him, however, was that of our attitude towards Prussia. Was it to the advantage of the nation that the war against France should be single, or that it should be compounded with a struggle on which Frederick, for his own ends, had embarked against the Habsburgs? Hanover, the obvious link between the wars, might declare neutrality as in 1741, and Frederick be abandoned to his fate. That fate, in spite of

[1] Williams, I, 262. [2] von Ruville, II, 43.
[3] Hotblack, K., *Chatham's colonial policy*, p. 96.

his unrivalled army and his conquest of Saxony, was likely to be hard, for a great Russian host was preparing to move against his rear, the Swedes and the German Empire were arming, and France, with her long list of recent victories and vast supplies of men, had pledged her co-operation. Nothing in the Convention of Westminster bound us to partnership in Frederick's aggression.

That Pitt, recanting in the stress of war his most consistently upheld opinions, determined to engage Hanover in the fight for Prussia and Britain in protecting her from France, may well be ascribed less to calculation than to instinct—the national instinct to deal generously, at least in the early stages, with our associate in a struggle against France. Nothing was less expected from a proud and intractable statesman who had seemed to accept ruin rather than turn a single into a double war. When, in April 1757, the King, at the demand of Cumberland, drove from office a minister whom he detested, who was often inaccessible through sickness, who, besides commanding no majority in Parliament, had as yet secured no success in war, Frederick congratulated himself that in Pitt a mere spouter and an opponent of action in Hanover had been removed.[1]

As the campaign developed, however, Britain's need for Pitt and Frederick's amazing talents were both made clear. Three theatres of war stood out pre-eminent—Bohemia, Hanover and the American mainland. In these, it seemed at the outset, the chief issues must be determined. The Indian struggle, pregnant as it proved to be, was a distant affair of merchants which could not reverse the verdict nearer home. A Prussian conquest of Bohemia, however, might make the continental coalition harmless, unless a French conquest of Hanover should restore its offensive power. The mere defence of Hanover, on the other hand, could not save Frederick from the consequences of disaster in Bohemia, since the victorious Austrians would be assisted by both Swedes and Russians if not by an auxiliary army of the French. Failure in both Bohemia and Hanover would pave the way for the partition of Prussia and the extension of the French littoral to Ostend, perhaps to Antwerp. The American struggle and the European could affect each other only in so far as they exhausted in a greater or less degree the energy and resources of the sole American combatants, France and Britain.

When winter was drawing near, the course of events in every theatre had proved such that the cause of Britain and Prussia might well seem lost. Frederick, after a costly victory at Prague, had been driven from Bohemia by a crushing disaster at Kolin. A lieutenant, striving to shield East Prussia, had discovered to his cost that the invading Russians were something more than the strong but headless body of Frederick's imagination. The Austrians were reconquering Silesia, while the French and Imperialists threatened to wrest

[1] von Ruville, II, 112, 113.

Saxony from his grasp, and without Saxon resources he could hardly continue to make war. In Hanover, meanwhile, Cumberland's prescribed defensive had for a time embarrassed the superior French, the more so as they were far from home, and 1757 a year of widespread dearth. After Kolin, however, Frederick could send him no assistance; Britain preferred to attack the coasts of France; and the French, using methodically their superiority of nearly two to one, drove him from Hastenbeck in flight towards the sea (26 July). When the news of Kolin and Hastenbeck reached England, Hardwicke, the wise Chancellor, thought that both Hanover and Prussia would come to terms.[1] Kolin had indeed moved Frederick to make overtures to France; Hastenbeck increased his eagerness for "the old system"; on 6 September his envoy sought the victors' camp.[2] Four days later, Cumberland did in fact sign the Convention of Klosterzeven, which saved his so-called Army of Observation, but resigned the Electorate to the victorious French.

While five months of the campaign seemed thus to have brought Hanover and Prussia to ruin, news only less disastrous had been reaching Britain from overseas. In the subordinate theatre of India, it is true, Clive had already regained Calcutta, and, by the miracle of Plassey (23 June), had secured Bengal for Britain. That news, however, could not reach Britain for many months. Meanwhile all that could be known was that in 1756 Calcutta had been lost and the hideous tragedy of the Black Hole enacted. Tidings from America arrived more promptly and were uniformly bad. The capture of Minorca, setting free Toulon, and a gale which scattered our blockading force off Brest had enabled French fleets to win the Atlantic race, thus rendering Loudon's great attack on Louisbourg impossible (July 1757). Early in August, Montcalm took from us Fort William Henry, exposing Albany to French and Indian attack. French squadrons cruised securely off the coasts of Africa and the West Indies, while in September Pitt's great coastal attack upon Rochefort, the naval base for supplying Canada, merely alarmed the French. "We are no longer a nation", wrote Chesterfield in July.[3] Nothing had since occurred to stem the tide of disaster. "The Empire", wrote Pitt in August, "is no more, the ports of the Netherlands betrayed, the Dutch Barrier treaty an empty sound, Minorca and with it the Mediterranean lost, and America itself precarious." To win over Spain and thus regain Minorca, he was ready to sacrifice Gibraltar and the logwood coast, but the offer was of no avail.[4] In September the King declared that he was ruined, while the yokels of seven counties were opposing the Militia Act by force. From Bristol to the City men suspected that the national struggle with France was being

[1] Charteris, p. 204.
[2] Koser, II, 114 seqq.
[3] *Miscellaneous Works*, IV, 198.
[4] Pitt to Keene, 23 Aug. 1757, in Pitt's *Correspondence*, I, 247 seqq.

crippled for the sake of Hanover.[1] The nation, none the less, had already drawn from its bosom the key that was destined to unlock the gates of "Doubting Castle". Pitt was once more in office, and, as never hitherto, in power. Cowed by the fury of the towns, his would-be ministers had taught the King that this terrible servant was indispensable, while the concession of patronage to Newcastle and of opportunity for enrichment to Fox made it certain that Parliament would give no trouble. If Frederick was worth 30,000 men to Prussia, Pitt trebled the efficiency of Britain, for his presence meant unity of command, energy in execution and enthusiasm on the domestic front. Anson at the Admiralty guaranteed the efficiency of the Service upon which Britain must mainly rely for victory, and by a happy chance his relationship to Hardwicke, Newcastle's oracle and confidant, procured an unwonted harmony in the conduct of the war. Within two years of Pitt's reinstatement, Britain was harvesting laurels in every quarter of the globe.

Frederick, however, was the first to stem the tide of enemy success. Having begun the campaign, he declared, as a general, he was ending it as a partisan.[2] "We are destroyed", he wrote on 1 October, "but I fall sword in hand."[3] Brilliant leadership and execution, however, enabled his little force to rout an army more than twice as numerous at Rossbach (5 November 1757). A single hour had changed much in the history of the world, for it was chiefly the forces of the French King that were put to open and memorable shame in the sight of both French and German peoples. The Protestant victor over persecuting Catholics became a hero even to his Protestant opponents, and religion cemented the close alliance with Britain which followed on the scornful rejection of his peace overtures by the French. Having saved Saxony from the Franco-Imperialist combination, Frederick hurried to check the reconquest of Silesia by the Austrians. After Leuthen (5 December) the Prussians boasted that with a watch-parade their King had beaten an army 80,000 strong.[4] The fall of Breslau crowned this amazing display of Prussian energy and skill.

The effect of Rossbach upon Pitt was to prove little less than the salvation of Prussia. Hitherto he had regarded the German war as a side-issue to which the subjects of a Hanoverian King must accord only the inevitable minimum of support. Now he perceived in Frederick a power which, rightly used, might sway the Franco-British struggle. It was certain that, if Hanover remained in French hands, peace, when it came, would necessitate a ransom paid by Britain. It was certain also that if Frederick collapsed, or, as his custom was, deserted his ally, Hanover could never be reconquered. It was hardly less certain that in either case the French would secure

[1] Potter and Beckford to Pitt, Oct. 1757, *ibid.* I, 277 seqq.
[2] Koser, II, 113. [3] *Ibid.* II, 121.
[4] Local mural tablet.

their dreaded aggrandisement towards Ostend. America might yet be won in America and on the seas, but hardly Hanover or Flanders. To assist Frederick, therefore, was, after 1757, politic beyond all question, and Pitt gave no half-hearted contribution. "No treaty like it since the time of King John" sneered critics of the compact of April 1758.[1] A British subsidy of £670,000 was promised, a sum which ranked with her own normal revenue and that wrung from Saxony as one of the three chief financial supports of Prussia. Frederick was bound to nothing save to exert himself and to abjure a separate peace. The Convention of Klosterzeven, unratified and almost as shocking to the French as to the British,[2] had now been swept aside, and the British-paid Hanoverians re-enlisted. Ferdinand of Brunswick replaced Cumberland at their head, and Britain continued to support this German army, 55,000 strong, at a cost of £1,800,000. Leuthen had brought Austria near to impotence and despair,[3] and Pitt might hope to see Frederick lead his Prussians against the French. Although courage returned to Vienna and Louis XV proved true, so long as Ferdinand showed skill and vigour Frederick's western flank was safe.

For a time, indeed, it seemed as if the Army of Observation might do more than safeguard Hanover and Berlin against the French. By midsummer 1758, Ferdinand had recovered the Electorate, crossed the Rhine, and won a signal victory at Crefeld. In August, it is true, the threat of a second French army to his communications forced him back, but with the aid of 12,000 British troops he manœuvred so that the two were unable to join forces and Hanover was left in peace. Thanks to Britain, therefore, Frederick could devote the year 1758 to making head against his remaining foes—Austrians, Russians, Imperialists and Swedes. To British eyes, this campaign, after the greatest fluctuations of fortune, seemed to leave her ally almost as it had found him. Exhorting Pitt to take a high tone about peace terms and abandoning Swedes and Russians chiefly to distance and their presumed incompetence, Frederick had striven first to crush the Austrians by a swift offensive in Moravia. He failed, but by paying a great price at Zorndorf (25 August) he drove off the tardy Russians. Early in October, his own rashness allowed the Austrians a second triumph at Hochkirch, but by Prussian mobility and skill, Silesia and Saxony were both preserved. Frederick and Ferdinand had thus given grounds for hope that in 1759 the Prussian and British cause might continue to maintain itself in Europe. The French and Austrians, however, closed the old year by a treaty which prolonged though it attenuated their alliance, while Frederick was forced to admit that his numbers no longer sufficed for an offensive. His ambition was now only to secure Turkish aid and to induce the Austrians, too formidable among ravines and woods, to tempt

[1] Mauduit, *Considerations*, p. 47. [2] Charteris, pp. 307 seqq. [3] Koser, p. 167.

fortune on the north Silesian plain. The shattering disasters of 1759 proved his forebodings true.

Britain, on the other hand, was already tasting the joys of which that year of victory was full. The success of her stipendiaries at Crefeld, indeed, had brought neither the recovery of Frederick's Rhine fortress of Wesel nor the hoped-for participation of the Dutch. Raids on the coast from Cherbourg to the mouth of the Charente had done material damage and helped Ferdinand's offensive, but at the price of many casualties and no little discontent. Soldiers and sailors alike loathed this conjoint buccaneering and after 1758 it ceased. Pitt's decision to send troops to Germany broke his own repeated pledges, overrode the prejudices of the Prince of Wales and wounded the sentiment of the nation. But whereas in 1757 ten military or diplomatic disasters followed on Kolin, in 1758 the tide flowed strongly the other way. At Senegal, Fort Louis with 92 guns and a vast treasure fell easily into our hands. Goree followed, securing a gum very necessary for the manufacturers of silk. Ere the year closed, supremacy in the West Indies, perhaps the central object of Pitt's commercial policy,[1] was being sought by the despatch of ships to Martinique. Although Minorca and Corsica were French, our colonies traded profitably in the Mediterranean and our privateers had reduced the Provençals to despair.[2] The great design of the campaign, however, contemplated the expulsion of the enemy from North America. Louisbourg, "the darling object of the whole nation",[3] must be conquered anew, and, with the aid of the colonists and the Navy, a triple attack must be launched against Montreal.

The scheme was too grandiose, the agents perhaps too clumsy and the communications too rudimentary for a spectacular success. Naval victories, none the less, prevented French help from Toulon or from Rochefort, and Boscawen and Amherst reached Louisbourg with an immense superiority of force. On 26 July, the crucial fortress fell. Although this proved too late for an expedition to Quebec, the capture isolated Canada and brought Pitt an invaluable accession of prestige. The bloody repulse of the insensate Abercromby by Montcalm at Ticonderoga (July) could not ruin the strategic situation, and next month the seizure of Fort Frontenac cut off Canada from the French south-west. Before the year closed, Fort Duquesne had been rebaptised as Pittsburg, Indian allegiance secured, and Canada turned into a sick man to be kept alive with cordials, in the hope of cure after a happy peace.[4] The grant of enormous power to the able and resolute Choiseul might reanimate France, but Pitt no longer feared invasion, and in November Britain declined the offer of a separate treaty.

[1] Hotblack, p. 54.
[2] *Ibid.* pp. 122, 100.
[3] Chesterfield, cf. Williams, I, 136.
[4] Corbett, J. S., *England in the Seven Years' War*, I, 412.

The world war had now passed through three costly and strenuous campaigns. In every land the easy hopes and lies which prompted its outbreak had been exposed, and in every land save two the appetite for peace might at any moment pass beyond control. If one of the bullets from which he never hid should strike down Frederick, or a deeper debauch than usual the Tsarina; if a second Damiens should rid the world of Louis XV or a new royal illness send back the Pompadour to her husband; if even some new convulsion should twist the steering-wheel in incalculable Sweden,[1] then in a moment the war would change its character and might even end its course. Only to Austria and Britain it still appeared necessary and full of hope. Neither Austria nor Britain, however, could fight on without allies, while financially Austria remained dependent upon France.

For Britain, although Bute's memorable optimism in August 1757[2] had been amply vindicated by events, the horizon was by no means free from cloud. Could the small island, which, eighteen months earlier, had seemed ruined and disgraced, command sufficient force for world conquest against a neighbour far superior in wealth and man-power? Anson, it is true, had in 1758 so vigorously schooled the Navy that its superiority to that of France in size could no longer be offset by any French superiority in tactics.[3] It was possible, however, that the rough and sometimes almost piratical conduct of British cruisers and privateers might rouse other Powers against her, and that Swedish, Danish and Genoese warships might be added to those of France. A still more serious danger came from Spain. Thanks to Ferdinand the Pacific with his Portuguese consort and their foreign and pro-British minister, it had been possible for the astute Keene to prolong a neutrality which threatened Spain with lasting disadvantage overseas. Now, however, the Queen and the diplomatist were dead, the King deranged and dying, while at Naples a vigorous heir was determined to play a very different part. Don Carlos, indeed, with vivid memories of the British admiral who in 1742 had given him an hour to change his policy, and with a Saxon wife whose father Frederick had despoiled, was awaiting the moment to range Spain with her empire, ships and treasure by the side of his brother Bourbon. In Pitt, it is true, Britain possessed a leader unequalled save by Frederick, but even Pitt's position was not perfectly secure. His gout might lay him low; his royal master was past seventy-five; his own temperament made sudden explosions certain; even to his colleagues his rule was an offence. The view of the grandees as expressed by Lady Yarmouth, "Keep Mr Pitt till we have peace and then do what you like with him",[4] was no less politic than self-revealing, but the needful self-restraint was difficult. The homage which the City and the provincial towns paid to Pitt only increased

[1] Hildebrand, *Sveriges historia*, VII, 262 seqq.
[2] von Ruville, III, 377.
[3] *Ibid.* II, 78.
[4] Williams, II, 39.

the resentment of the Whig dukes at the trespass upon their preserves which his virtual dictatorship implied, and that dictatorship he emphasised rather than disguised. His trembling colleagues cherished their own foreign policy, based on intelligence which they regarded as their private property.[1] To be rid of Pitt, Newcastle, it was believed, was inciting a home demand for peace and even intriguing to lower the national credit and embarrass further loans.[2]

It was, therefore, mainly in reliance upon a mandate from the masses that Pitt marshalled the forces of Britain for the formidable task of 1759. In Choiseul he had now to contend with a virtual dictator like himself, but one to whom the accumulation of offices gave legal power where a Pitt must trust to mere ascendancy. Against this able and resolute soldier, bred to regard none save the King of France as his superior,[3] and seconded by Belleisle in the War Office, and the vigorous Berryer in the marine, Pitt had a fourfold duty to perform.

To save their colonies, to win Austria's battle, and to conquer peace the French must invade Great Britain. To this end Belleisle prepared a plan more menacing than that of Napoleon.[4] Vast French forces from many ports sailing to the Clyde and to the Essex flats, Russians and Swedes assisting—of all this the premonitory signs and the discovery of the actual scheme would have paralysed the aggressive activities of a lesser man than Pitt. Declining to be disturbed, he met it by diplomacy, by armament and by inspiration. The legitimate grievances of neutrals were palliated by courtesies wherever possible and especially by a Prize Bill which cancelled the commissions of the smaller privateers.[5] No diplomatic exertion was spared which might prolong the neutrality of Spain with her (nominal) 90,000 soldiers and nearly a hundred ships.[6] The Army and Navy were of course increased; a great camp in the Isle of Wight at once guarded Britain and threatened France; French coasts and shipping were attacked so as to destroy the danger at its source. In July Rodney showed at Havre what the light forces could do to paralyse a section of the would-be invaders, and greater ruin lay in store for them when they should tempt fortune on the open sea. But Pitt's greatest triumph lay in so rousing the spirit of the nation that it was willing to bear new taxation, furnish the necessary man-power[7] and confront not only the threatened invasion but an indebtedness mounting year by year to unprecedented heights.

If Britain remained undaunted and inviolate, the concentration of French energies on the invasion could only advantage her in the other theatres of war. But to keep what might be won elsewhere

[1] Corbett, II, 14 seqq.
[2] von Ruville, II, 235; *Pol. Corresp.* XVIII, 337.
[3] Choiseul, *Mémoires*, p. 2.
[4] Corbett, II, 22; Walpole, *Memoirs*, III, 184.
[5] Hotblack, p. 160; F.O., Spain, 5 June 1759 *et passim*.
[6] *Ibid.* 12 Dec. 1759, to Earl of Bristol.
[7] Williams, I, 400 seqq.

Hanover must be defended by an army which only Britain could raise and pay. From Frederick, struggling for existence, no more could be expected than the gift of Ferdinand of Brunswick, of much advice and of a tiny troop for purposes of policy and *moral*.[1] To meet this new situation, in which we had made conquests overseas, counted on making more, and knew that we must save Hanover to keep them, Pitt raised some 52,000 British troops and sent them to Germany. He was by no means without hope that a new Rossbach won by Ferdinand might subdue exhausted France.[2]

The need of supporting Frederick now rested at once upon simple and complex considerations. Elementary loyalty and good faith forbade the desertion of a partner in an enterprise which had brought profit to one member and to the other loss. The fact that Prussia was Protestant and her foes the great Catholic Powers was still significant and weighty. And although no member, save France, of the anti-Prussian coalition was our enemy, no one could predict the combinations that would follow a Prussian collapse. While the Third Silesian War went on, the participation of France meant the diversion of French blood and treasure from her struggle with Hanover and Britain. If it ended with Frederick's defeat, he might even indemnify himself at Hanover's expense. Both as against her enemy and her ally the British subsidy of £670,000 was a wise premium of insurance.

Entrusting the defence of Britain to her own sons and to the Navy with its triple screen of cruisers, sending men to Ferdinand and money to Frederick, Pitt set about the conquest which was to be the main work of 1759. Filled with the national hatred of a Popish and absolutist natural enemy, and following the economic ideas of the time, he aimed at sweeping the flag of France from every continent and island, and at abolishing her commerce and marine. "The West Indies where all our wars must begin and end"[3] formed naturally his first objective. Of the islands, Martinique and Guadeloupe were far superior even to Jamaica both in produce and in strategic strength, while on the mainland Quebec stood between us and the conquest of Canada, with all its profit to our colonies, fisheries, fur trade, revenue and naval power. Bitter experience, however, told against assaults either upon well-defended coasts within the tropics or upon the distant and difficult St Lawrence, which in 1711 had cost us eight ships and nearly a thousand men.[4] Undeterred by memories of Cartagena or of the failures of amphibious expeditions nearer home, Pitt ordered both tasks to be attempted.

The plan for the conquest of Canada by converging attacks upon

[1] *Pol. Corresp.* XVIII, 11 *et passim*.
[2] Chatham MSS. Intelligence, Versailles, 21 Jan. 1761, no. 8.
[3] Alderman Beckford (1753), cit. Walpole, *Memoirs*, I, 307.
[4] Corbett, I, 401. Wolfe confirms to Pitt (*Correspondence*, I, 378) the "thorough aversion" of the Navy to that river.

Montreal was in part safe and in part a dangerous speculation. Since the French garrison was small, the country vast, and the British invaders assured of reinforcements, the cautious Amherst might safely be expected to isolate the capital from the south and west, if given sufficient time. Wolfe, on the other hand, had to face unknown difficulties of navigation, with the certainty of finding himself, if successful, confronted at Quebec by strong positions, defended by forces which might even be superior to his own, and which knew that the approach of winter would compel him to raise the siege. It is, therefore, not surprising that despite the heroism of Wolfe and his followers Canada was not conquered in 1759, and that when the campaign closed Quebec was a most precarious possession.

The year none the less brought a harvest of victory unparalleled in British annals until the autumn of 1918. Six major triumphs and a host of minor were hardly discounted by defeat, and Choiseul's great scheme for the invasion of these realms was frustrated before it could be set in motion.[1] Ferdinand, it is true, began with a failure at Bergen[2] (13 April), and the French, now more than ever intent upon Hanover, captured Minden and Münster on their way. In May, however, the rich island of Guadeloupe was ours, and in July, after Rodney's telling blow at Havre, Wolfe made Quebec so hot that the defenders complained that there was only one place in which they could with safety pray.[3] In the same month Amherst took Ticonderoga, and Fort Niagara fell to his men, while on 1 August the British infantry shared gloriously in the French defeat at Minden. Although Ferdinand achieved no superiority in force, Hanover was saved, Frederick's flank secured and the continental war made almost popular in England. The victory known as Lagos or Cape St Vincent followed (17 August), when Boscawen destroyed a confluent of Choiseul's torrent of invasion and at the same time powerfully influenced the new King of Spain in the direction of continued neutrality. On 13 September Quebec fell—"a peace-begetting conquest" as the hard-pressed Prussians thought.[4] These dazzling tidings were swiftly followed by those of the desperate sea-fight off Quiberon (20 November), "the Trafalgar of this war",[5] and a further warning to Charles III of Spain. The glories of 1759, "the greatest year England ever saw",[6] were crowned by the triumph of Britons in India. Striking hard with a tiny force, Forde stormed Masulipatam in April, and next month the frustration of the French in Southern India was attested by the cession of the Northern Circars to the British.

[1] See *infra*, chap. XVIII.
[2] Waddington, R., *La guerre de Sept ans*, III, 13.
[3] Knox, Capt., *Journal of the Campaign of* 1759, ed. Doughty, I, 431 n., 436.
[4] Mitchell from Torgau, 28 and 30 Oct., F.O., Prussia.
[5] Mahan, A. T., *The influence of sea-power upon history*, p. 304.
[6] Rigby to Pitt, 23 Dec. 1759 in *Correspondence of Pitt*, I, 480.

While Britain thus triumphed on every side, and by diplomacy, subsidies and fighting gave "fair, candid and honest"[1] aid to her ally, the fortunes of Frederick seemed to be sinking beyond hope. Far outnumbered by the Austrians and Russians, he could neither bring the Austrians to give battle nor the Turks to paralyse the Russians by entering the war. In July, a lieutenant failed disastrously to stay the Russian invasion and the fall of Frankfort-on-the-Oder followed. The King himself dashed northward to save Berlin, but at Künersdorf (12 August) Russian guns and Austrian horsemen crushed his army and drove him to the verge of suicide or abdication. The *coup de grâce*, thanks to the jealousy and incompetence of the allies, was not given, but the loss of Dresden and two further grave disasters in the field must convince any ordinary observer that the downfall of Prussia was at hand. Even before these blows fell Frederick had confessed that he could not sustain the conflict for another year, and that Britain's triumphs and "the honourable and disinterested views of Mr Pitt" could alone rescue him from ruin.[2] Time would show what in the great patriot's judgment were the conditions of a righteous and abiding peace.

[1] Mitchell to Pitt, 8 Jan. 1759, *Pol. Corresp.* XVIII, 10.
[2] To Knyphausen, 1 Sept. 1759, *ibid.* XVIII, 512.

CHAPTER XVII

THE PEACE OF PARIS

THE year 1759 saw the zenith of the glory of England and of Pitt. The mere reading of the battle roll will explain why. First came the news that Goree had fallen and that England had secured the whole West African trade in slaves and gum. Next it was announced that the French had surrendered Guadeloupe, their richest sugar isle of the West Indies, and, soon after, the isles of Basse Terre and Marie Galante. Then came that victory, called by Pitt the "Marathon of Minden", where the British infantry won immortal fame. Next it became known that Amherst had occupied Ticonderoga and avenged our defeat of the year before, that Johnson had seized Fort Niagara, that Wolfe had passed up the St Lawrence and was bombarding Quebec. From India, where the British had been hard pressed the year before, came the joyful tidings that the French had been repulsed from the walls of Madras and beaten at sea, while Surat had fallen to British arms. In August Admiral Boscawen reported his victory over the Toulon fleet off Lagos in Portugal. In the very week in which Parliament assembled, came the news of the capture of Quebec and of Wolfe's glorious death in the moment of victory. Even yet the cup of triumph was not full. In November Hawke won at Quiberon Bay the greatest victory over the French that England had yet achieved. Thirty-one French sail of the line had been captured or destroyed in the war, and of these a third had been taken in this year. On 29 November a royal proclamation ordained a public thanksgiving to Almighty God "for disappointing the boundless ambition of the French", and because "He had given such signal successes to our arms both by sea and land".

Undazzled by success Pitt planned the campaign for the new year in the autumn of 1759. Victories hardly less splendid than those of 1759 were won by the generals of Pitt's choice. The British garrison, which had been besieged in Quebec, was relieved in May. In June Amherst advanced from the south and, by a triumph of organising skill, united his three converging columns beneath the walls of Montreal. On 8 September the surrender of that city took place, and with it all Canada was British.

In India, as in Canada, 1760 was the year of final conquest. On 22 January Coote defeated the French at Wandewash in a battle second only to Plassey in importance. February saw the fall of Arcot, April that of Caracal, and May the blockade of the French in

Pondicherry. It is striking to see the impression made by the events of 1760 even upon the timid Newcastle party. On hearing of the fall of Quebec in 1759, the sage Hardwicke doubted whether we could keep it, or Louisbourg or all Canada "without fighting on for ever". But when negotiations began in 1761 everyone in the Cabinet voted for keeping all Canada.

The tide of war had turned also in Germany. In July 1760 Prince Ferdinand triumphed at Warburg where Granby and the British cavalry excelled themselves. Frederick won a brilliant victory at Liegnitz in August, and a more solid success at Torgau in October. He had not expelled his enemies from his territory but he had administered decisive checks to them. By giving troops to Ferdinand and subsidies to Frederick Pitt had used Germany to contain the French. He intended to celebrate the year 1761 by capturing Dominica, Martinique and St Lucia. He meant also to touch French pride and to obtain an equivalent for Minorca by seizing Belleisle. But he was fully conscious of the need of a diplomatic, as well as of a military, strategy. And the chief aim of his policy towards neutrals was to conciliate Spain.

Pitt dreaded the union of the Spanish and French crowns. He had witnessed two Family Compacts between the Bourbon rulers and wished to avert a third. He began in 1757 by offering Gibraltar as the price of an alliance, provided that Minorca (just captured by France) was returned to England.[1] And even when this handsome offer was refused, Pitt continued assiduously to court her favours. The feeble Ferdinand died in the autumn of 1759. He was succeeded by Charles III, the Bourbon ruler of Naples, and a very different man. A philosophic despot, obstinate, bold, haughty, energetic, he brooked no resistance at home and was impatient of opposition from without. He had special reasons for disliking England and her sea power. Seventeen years before, a British captain had stood by him at Naples with his watch in his hand and forced him, by a threat of bombardment, to sign a treaty of neutrality in an hour. To this personal humiliation of the new King was added his great interest in the commerce of Spain, and his irritation at British smuggling. The French Foreign Minister, Choiseul, at once sought to inflame Charles III's hatred of England, by proposing an alliance with France. For this Charles was not as yet prepared. Being an admirable administrator himself he wished to reorganise the commerce, the army and the fleet of Spain, and such a process took time. Moreover, he did not, as yet, want to be too dependent on France. He preferred to offer himself as a mediator between France and England, with a threat of siding with the Power which rejected his mediation. If he was unable to play this glorious part, if England failed to redress his grievances, he might ally himself with France, the

[1] *Hist. MSS Comm. Rep.* x, *Weston-Underwood MSS*, I, 212, 221.

weaker party. But, for some time at any rate, he was not prepared to move.

Towards the end of 1759 there was much talk of a peace congress. Immediately after the accession of Charles, d'Abreu—the Spanish ambassador—suggested Spain as mediator between France and England. Pitt declined the offer with much politeness.[1] The Spanish minister, however, made suggestions as to the balance of power being disturbed by English victories in America. In December, d'Abreu actually handed in a memorial to the effect that his master "could not see with indifference the English successes in America". This was written from Saragossa, where Charles III was then resting on his journey between Naples and Madrid, as Pitt did not fail to note. He suspected French influence at once, and thought this view confirmed when a fresh offer of Spanish mediation was transmitted at the end of 1759. The offer was promptly refused.

At the same time Pitt recognised that some of the specific Spanish complaints as to English conduct were real. Her claims were first, a share in the Newfoundland fishery. This was merely a concession to Spanish pride, for only two Spanish ships had sought to go there during many years. Moreover Pitt could hardly grant it without thereby recognising the much better grounded fishery rights of the French. Her second claim concerned the English right to cut logwood in Honduras. Here Spain had the best of the argument, but concession would have been unpopular in England and certainly have discouraged the West Indian colonists from helping in the prosecution of the war. Her last claim concerned the execution of the treaty of commerce signed 5 October 1750. This was open to misinterpretation, and Spain had real cause of complaint both as regards Spanish prizes taken by privateers in the war and as to British smugglers both in peace and war. Pitt resolved to satisfy Spain by dealing drastically with smugglers to her American shores. In the autumn of 1759, therefore, he issued a circular to colonial governors prohibiting illicit trade and enforcing its prohibition by the action of British cruisers. But in the following year means were found to evade this prohibition and a considerable illicit trade was carried on by British smugglers with the Spanish port of Monte Christi in Hispaniola.

Pitt's circular had some effect, for Charles III wrote a friendly letter to George II on 13 December 1759, and disavowed d'Abreu. This more amicable attitude continued till 20 June 1760, when Fuentes, the new Spanish ambassador, presented a haughty memorial as to Spanish prizes. He added a demand for reparation, which was politely refused. On 9 September Fuentes presented further complaints relating first to Honduras, and next a memorial on the Newfoundland fishery, adding that it had been sent to the

[1] Yorke, P. C., *Hardwicke*, III, 236, 241.

French Government. Pitt tactfully offered to instruct his ambassador at Madrid to confer with the Spanish Foreign Minister on the Honduras question. As to Newfoundland, he declined to give a written answer, but in a verbal response to Fuentes said that the King had ordered him to express surprise and regret that Spain should have taken the extraordinary step of communicating her differences to a court at open war with England. Even the pacific Hardwicke denounced Spain's conduct as most unusual and highly approved Pitt's reply as being as "measured" as was possible under the circumstances. This incident is important, for when Choiseul introduced the question of Spanish grievances into the negotiations of 1761, both he and Spain were aware that such a step would be regarded by England (and it seems justly) as undiplomatic and provocative.

One King's accession at the end of 1759 was to be fatal to Pitt's design of separating the Bourbon Crowns; another King's accession at the end of 1760 was to be fatal to himself. For, when George II died on 25 October, Pitt was confronted with a young King whose advent raised wholly new problems. The King was a Tory and the Great Commoner a Whig, though both favoured the idea of a national, and not of a party, government. George had indeed learned at his mother's knee, and from all his political tutors, that he was to be King in deed as well as in name. But Pitt was susceptible to the majesty of kingship and the King knew the value of popular support.

Differences of principle indeed showed themselves at once. The King wished to insert in his public declaration to the Council a passage referring to the losses in blood and gold which the war had brought upon his people. Pitt begged to substitute "just and necessary"[1] for "a bloody and expensive" war. Bute, the King's adviser, agreed, but the King himself held out for a day after his adviser had yielded. But this ominous episode was not in itself decisive. Some months later, when the war in Germany was criticised, Pitt offered to reconsider the matter if that were the King's wish, so that both parties had made some attempt at compromise. The difficulty was that the King, or Bute, had devised a personal policy which they intended to execute themselves. To sheathe the sword and to end the war quickly would associate the new King in the public mind with the restoration of peace and economy. It was a bold bid for power and popularity. But it must be known to be the personal act of the young King, and that would only be clear if the King's adviser was known to have made the peace himself. As the avowed representative of the King, Bute entered the Cabinet within less than a month from his master's accession. He became Secretary of State within six months, and Prime Minister in less than two years. Even apart from the disturbing suddenness of his rise to power, Bute was almost certain

[1] The same expression occurs in the King's Speech to Parliament of 18 Nov. 1760.

to disagree with Pitt. He resembled him in haughtiness and theatricality of manner, but had little knowledge either of diplomacy or of war. When differences appeared early in 1761, Pitt did not disguise his contempt for Bute's inexperience. Pitt might have modified some of his views on the peace, or deferred to some of the King's wishes; he could not bring himself to defer to those of the King's instrument.

Bute, who did not lack a certain shrewdness, did not wish to attack a minister idolised by the people and successful in the conduct of a great war. He wanted, indeed, if he could, to use Pitt, and not to expel him from the Cabinet. But he prepared for a possible struggle, by demonstrating that he was the real dispenser of royal favours. He got Henley made Chancellor early in 1761; he promoted George Grenville, whose financial gifts made him suspect Pitt's war policy, and kept him informed of all important business. Bute next dismissed Legge, the Chancellor of the Exchequer, for differing from him over an election, and replaced him by Lord Barrington, an avowed tool of the Crown. Finally, in March, he persuaded Lord Holdernesse to resign the seals of the Secretary of State, which he himself assumed. Pitt, who was now to share the direction of foreign policy with Bute, actually did not hear of the proposed appointment until it was too late to oppose it. And in this very month diplomacy became of supreme importance. For France began to negotiate for peace.

The military events of 1761 had an important effect on its diplomacy. Early in the year, and in spite of Newcastle, Pitt had sent an expedition to Belleisle, and the failure of the first attack and the delay in the final capture (it only fell on 7 June), gravely affected British diplomacy. An attack on Mauritius also failed, but these failures were balanced by a success in Germany, and by captures of Dominica in the West Indies and of Pondicherry, the last French stronghold in India. The British Cabinet were encouraged to hold their heads high in the critical days of July. Apart from Pitt, the Cabinet were generally for peace, and largely on financial grounds. As far back as 9 April 1760, Newcastle wrote: "Mr Pitt flew into a violent passion at my saying we could not carry on the war another year; [he said] that that was the way to make peace impracticable and to encourage our enemy".[1] But Newcastle was supported by Hardwicke, and by the military and naval advisers, Lords Ligonier and Anson, who favoured concessions to France because they did not think that England could fight a Franco-Spanish combination. Bute and the King for a time mediated between Pitt and Newcastle, but neither George III nor his adviser had any real experience of diplomacy and war, or the insight or capacity to form a correct judgment on either.

It is probable that no British minister realised either the strength or the weakness of Choiseul's position. Though dependent on the favour of Louis XV and La Pompadour, he had also appealed for

[1] Yorke, *Hardwicke*, III, 244.

support to the French public, and could not consent to humiliating terms. Moreover, he was hampered by two allies, one actual, Austria, one potential, Spain. Austria wanted to continue the war; Choiseul wanted to make a separate peace with England. Spain was likely to join in the war if England's peace terms did not satisfy France. Hence, though willing to offer terms, Choiseul was not negotiating like a really beaten enemy. For, if the war continued, he was likely to have a new ally.

Late in March 1761, Choiseul, through the Russian ambassador in England, suggested the assembling of a European peace congress at Augsburg. This was to be preceded by the conclusion of a separate peace between France and England. The basis of that peace was to be the *uti possidetis*, i.e. the territory actually held by each Power at a certain date. But the dates were to vary with each theatre of war, so that operations, already *en train*, might have a chance of being completed. Choiseul proposed that the date for Europe should be 1 May, that for the West Indies and Africa 1 July, and that for the East Indies 1 September. But these detailed dates, together with the question of compensation for surrender of territory, were to be matter for negotiation. The British Government replied by accepting in principle both the peace congress and the separate negotiation, but demurred as to the proposed dates at which hostilities should cease.

Choiseul at once changed his tone and refused to alter the dates. Pitt, who hoped soon to capture Belleisle and, therefore, to have a further card in his hand, induced the Cabinet on 27 April to reject Choiseul's dates, and to refuse to fix new ones until Belleisle fell. It was, however, agreed to receive a French negotiator (Bussy) in London and to send a British one (Hans Stanley) to Paris. The instructions to Stanley were decided in a Cabinet meeting of 13 May. Pitt was unable to persuade his colleagues to take a definite decision as to what was to happen to her German allies, some of whose territory was in French hands. All they would say was that Choiseul was to be informed that England would not desert the King of Prussia.

Bussy's mission to England is a matter of much mystery; in days past he had earned English gold for revealing French secrets.[1] He seems to have been conciliatory to Newcastle, but unbending towards Pitt, and to have tried to sow dissension between the two parties in the Cabinet. At any rate Choiseul proved more conciliatory in France. After the fall of Belleisle (7 June) the British Cabinet fixed the *uti possidetis* date in Europe as 16 June, informed Choiseul that peace must be signed by 1 August, and upon terms to be considered as final, apart from what happened at Augsburg. These suggestions were never really considered, for they crossed a proposal made by Choiseul on 17 June. He proposed to get over the

[1] Waddington, *Renversement des Alliances*, p. 101; Yorke, *Hardwicke*, III, 128.

difficulty of the dates by specifying the terms. He would restore Minorca to England in exchange for Guadeloupe, Marie Galante and Goree. He would cede Canada with new boundaries, but what they were is not easy to see.[1] If we may judge from his memorial of 15 July, he wished to interpose a neutral belt between Louisiana, the Great Lakes and the Ohio. He desired to retain, though not to fortify, Cape Breton Island (i.e. to maintain France's fishing rights in the St Lawrence), and also to keep fishing rights off Newfoundland. He offered to surrender her conquests from the German allies of England. These terms were probably sincere, though Choiseul wanted not a lasting peace but a truce, in which he could reorganise French resources.

On 24 June, the British Cabinet all agreed to reject the claims for redefining the boundaries of Canada and for restoring to France Cape Breton or the fishing of the St Lawrence. Opinion was divided over the Newfoundland fisheries. The Newcastle party (including Halifax, the colonial expert) wished to concede the French demands; Pitt and Temple to reject them. Bute (and the King) wished to negotiate further and see if France would yield. Pitt seems to have criticised this not wholly unstatesmanlike idea with undue asperity, and thus perhaps provoked their opposition. He drafted a reply to Choiseul (accepted by the Cabinet on 26 June) demanding all Canada, and stating that France could not enjoy her rights to the Newfoundland fisheries under the Treaty of Utrecht without substantial compensation to England. Guadeloupe and Marie Galante would be restored only if the territory of England's German allies was immediately evacuated. Senegal and Goree were to be ceded to England and Dunkirk was to be dismantled according to the conditions of Utrecht.

Choiseul seems to have been sincerely convinced that he could not make peace without "saving face" by extorting some British concession over Dunkirk, and without obtaining at least a partial concession over the fisheries. He still pleaded for Cape Breton, but this may have been a way of bidding higher for Newfoundland. His reply of the 15th which reached England on 20 July demanded a share in the Newfoundland fisheries and Cape Breton Island as well. He added ominously that, while he would surrender the French conquests from the German allies of England, he must except those of the King of Prussia. He could not restore these last without the consent and knowledge of Austria, and in a private memorial he intimated that she would not surrender them. More ominous still, he sent a private memorial to England advising her to end her disputes with Spain, and "agree to invite" Spain "to guarantee" the new treaty. This last step seems to have been a grave departure from

[1] The wording is "une fixation des limites du Canada dans la partie de l'Ohio déterminée par les eaux pendantes". P.R.O., Chatham MSS, vol. LXXXV.

diplomatic etiquette, against which Spain had already been warned. The British reply was decided upon on 24 July, after the news of the fall of Pondicherry, of the capture of Dominica and of Ferdinand's victory at Vellinghausen reached England. It declared both private memorials inadmissible. In other respects the British answer, sent on the 25th but known by the date of its reception as the "ultimatum of 29 July", was a stiff one. It declined again to permit the French rights of fishery in the St Lawrence or to restore Cape Breton. It demanded the demolition of the fortifications of Dunkirk in return for a French share in the fisheries of Newfoundland. It declined to draw any distinction between the King of Prussia and England's other German allies. It demanded the restoration of Minorca by France in return for the British restitution of Guadeloupe and Belleisle.

On receiving this reply on 29 July, Choiseul decided to continue the war. But, though no longer sincere in his desire for peace, he tried to prolong the negotiations to prevent any English attacks that year. On 15 August he achieved his great masterpiece, and signed the third *Pacte de Famille* with Spain. He engaged to support Spanish interests and Spain promised to come into the war with all possible speed.

Ten days before the signature of the *Pacte de Famille*, Choiseul delivered to Pitt what was afterwards known as the "French ultimatum of 5 August". He demanded French fishing rights and an island in the St Lawrence and the erection of a barrier territory formed by neutral Indian tribes in the hinterland between Louisiana and Canada. In the West Indies he demanded St Lucia and the restoration to France of Guadeloupe and Marie Galante. On the coast of West Africa he demanded the return of Senegal. But he refused to restore Minorca or to evacuate the territories of the King of Prussia. Pitt returned a strong answer on 16 August. There was, however, some justification for this attitude, for Bussy, in presenting the "French ultimatum", stated that the British one of "29 July" "betrays the aversion of the Court of London for peace". He warmly deprecated Pitt's refusal to receive the Spanish memorial, and said that refusal would draw closer the bonds between the French and the Spanish Bourbons.

But the stiff attitude of Pitt, which Bute and the King had hitherto upheld, now aroused their fears and provoked a reaction. Bute did not even yet wish to expel Pitt, but to outvote him. Feelings had already ruled high in the Cabinet, Pitt had thumped the table, and said he would not "take a cobbled draft". Now, on 17 August, he was outvoted and obliged to transmit a very conciliatory communication to France. England now offered a share in the fishing rights of the St Lawrence and Newfoundland, together with the isle of St Pierre. For the strict provisions of the Treaty of Utrecht regarding Dunkirk were now substituted the milder ones of Aix-la-Chapelle. These concessions were made just after the *Pacte de Famille* had

been signed. Stanley's communication was dated 1 September. As Choiseul gave an unsatisfactory reply, the Cabinet ordered Stanley to return to England (15 September).

On 18 September Pitt summoned the Cabinet to take an even more important decision. He proposed to anticipate the danger of a union of the Bourbons by demanding explanations of Spain and by attacking her if they were not satisfactory. He had pierced to the heart of the situation and divined that France would not make peace because Spain was ready to make war. Pitt knew more of the Spanish-French designs than any other Cabinet minister, for his naval and colonial despatches proved that Spain was conspicuously unfriendly to British trade in America.

Apart from this, his evidence, though not good in a court of law, was good enough. The private memorial of Choiseul referring to Spain was gravely suspicious. For Pitt now knew that it had been made with the full approval of Spain, which had been warned against such joint diplomatic action in 1760, and Bussy's remarks in presenting the ultimatum of 5 August were menacing. More than one intercepted diplomatic despatch roused suspicions as to Choiseul's conduct at the end of July. Another established the existence of the *Pacte de Famille*; Pitt did not indeed know all the terms, and could not prove, though he shrewdly guessed, that Spain had pledged herself to make war with France against England. But it did not need much penetration to see that a secret agreement of this kind, signed after Choiseul had stiffened his terms, must have been of this nature. But only Lord Temple supported Pitt's views on "preventive war". On 21 September the King refused to receive a paper signed by Pitt and Temple giving the views of the 18th, and the Cabinet decided to await further news from Stanley. This marked the final stage, for Bute had at length determined to abandon Pitt as he would not give up his scheme of "preventive war".

The last meeting was on 2 October. In after days Pitt spoke of it as "a trembling council". All were against Pitt and Temple, but from different motives. Newcastle and Hardwicke were influenced partly by a belief that strong action might produce the union they feared, and partly by the belief (encouraged by Anson and Ligonier) that England could not fight both Spain and France with success. Bute seems to have refused to believe that the peace he desired would be endangered. We have broken snatches of what Pitt said: "I have in my bag so much matter as I think would be criminal matter against any Secretary of State who lets it sleep in his office. [It is] the highest indignity that ever was offered to the Crown of England. As to the safety of the public, 'tis the worst species of war [for Spain] to abet France with her full weight, [to] cover her trade and lend her money and abet France in negotiation. You are now at war with the House of Bourbon. You are prepared and she is not". He

concludes, "I will be *responsible* for nothing I do not direct".[1] Lord Temple then made a haughty speech and retired. Speeches of compliment then passed between Lord Granville and Pitt in which the latter covertly reproached Bute. Pitt then withdrew and thus ended the most brilliant administration in English history.

The resignation of Pitt and Temple followed on 5 October, and Lord Egremont, who was to be Bute's supporter, became Secretary of State. At the end of October Bute carried a measure for asking for explanations from the King of Spain as to the *Pacte de Famille*. Newcastle vainly opposed this, perceiving that such a policy could only end in war. On 2 January 1762, Spain's explanations proved so unsatisfactory that England declared war upon her. Even Newcastle now admitted that Pitt had been right. Bute's policy had lost the advantage of the initiative, the opportunity for capturing the Spanish Plate Fleet, and the greatest war minister England ever had.

Bute was equally unfortunate in his treatment of King Frederick. He and the King cared very little about Germany, and even less about Prussia, and were unduly sensitive to British public opinion which showed a steady and rising dislike of the German war.[2] George III was shocked at the irreligion of King Frederick, and Bute was annoyed at his wit, for an intercepted letter told him that the monarch had suggested Bedlam as a suitable place for himself. Both were afraid of being accused of German tendencies. Moreover the beginning of 1762 marked another change. For the Tsarina Elizabeth died, and her successor, Peter III, not only withdrew from the war, but even offered Frederick an alliance. Bute, therefore, held that Frederick was quite safe. When the Prussian minister adopted a threatening tone in demanding the British subsidy of £670,000 for the campaign of 1762, Bute said that its payment would depend on the pacific tendencies of Frederick. He added to his faults by some clumsy diplomacy in which he revealed both to Russia and to Austria his desire for peace and the fact that he was putting pressure on Frederick. Bute definitely refused to pay the subsidy at the end of April, despite the opposition of Newcastle's party. He also made clear that he would greatly reduce the British military forces in Germany. This—and a number of other incidents—proved too much for Newcastle, and that assiduous devotee of office was expelled with scant courtesy from all his posts before the end of May. Hardwicke, the great lawyer, unwillingly retired with his friend. The ministry was then reformed, Bute becoming First Lord of the

[1] Brit. Mus., Hardwicke MSS, 35870, printed by me in *E.H.R.* XXI, 327–30. Hardwicke added a note to this last sentence of Pitt: "Surely the most insolent declaration ever made by a Minister".

[2] Yorke, *Hardwicke*, III, 357; Newcastle to Sir J. Yorke, 14 May 1762, "Popular maritime expeditions in war, *and a total dislike of all continental measures*, are the basis of his (Bute's) politics". Italics my own.

Treasury, and George Grenville Secretary of State, along with Lord Egremont.

Bute's conduct towards Frederick has been severely criticised. Bute could not remove Frederick from office, like Newcastle or Pitt, but he could (and did) deprive him of his subsidy. Bute's technical position towards Frederick was bad, and the means he used to terminate the subsidy and to force Frederick to peace were clumsy and inconsiderate. But the subsidy had been given originally to Frederick to preserve him from ruin. If he intended to use it to prolong the war (now that Russia offered him not only peace, but an alliance), why should Bute allow him to do so? Bute would certainly have done better not to refuse but to reduce the subsidy, as he did that supporting Ferdinand's command in Westphalia. But it seems absurd to accuse Bute of treachery (as the British public did) because he refused to pay in full a subsidy originally granted for a totally different purpose from that to which Frederick now proposed to apply it. It is, however, true that Bute did not properly regard Frederick's interests when the final peace was made.[1]

By the end of April Bute had disposed of Frederick, and was negotiating again with Choiseul. Stanley had left Paris in October 1761, but in November Count Viry, the Sardinian minister in London, intimated to M. Bailli de Solar, his colleague at Paris, that England would discuss terms of peace. On 8 December Choiseul intimated, through Solar, that he would listen to any overtures for a separate peace from Bute, to which Viry replied on the 13th by suggesting the British ultimatum of 29 July and the French of 5 August as bases for negotiation. He added that the British conquest of Martinique (which was expected) would make a difference, and that public opinion would demand that peace should be (in form at least) offered to, and not received from, Great Britain. The British declaration of war against Spain made little difference to the British desire for peace, and Choiseul felt strong enough to reply (23 January 1762) that the British capture of Martinique would not affect French policy. As Martinique was the strongest and largest French West Indian island, and as it fell in February, this was a strong statement. Bute was indiscreet enough to let it pass unchallenged, but Lord Egremont finally stated the terms as follows. Neither Power was to assist her allies in Germany after the conclusion of the Franco-British peace, except with money; Goree was to be returned to France; rights of fishing in the St Lawrence with the Isles of St Pierre and Miquelon and fishing off Newfoundland were to be conceded to France.

[1] By the Preliminaries of 3 Nov. 1762 as well as by the Peace of Paris of 10 Feb. 1763, France agreed to restore the territory of England's other German allies, but not that of Prussia, only promising to evacuate it and not to render further assistance to her own allies (i.e. Austria). By the Treaty of Hubertusburg (between Prussia and Austria) of 15 Feb. 1763 Austria agreed to evacuate Frederick's territory.

The majority of the Cabinet were ignorant of these negotiations, but on 29 March they were induced to sanction one overture to France, and another to Spain. On 15 April, Choiseul answered by accepting the basis of the French and British ultimatums, but demanding the restoration of Martinique. This provoked hot discussion in the British Cabinet, but Newcastle finally induced Bute to lower his terms. Egremont made an official reply to Choiseul,[1] insisting on his previous terms, and adding that England would restore Martinique, but demanding the Neutral Isles for England, of which St Lucia, from its position, was of the highest strategic importance.[2] Egremont indeed said later that the Barbados were unsafe if St Lucia remained in French hands, and George Grenville to the end remained strongly in favour of its becoming British. This was an extension of British demands and due to fresh conquests. Pitt had declared he would accept a partition of the Neutral Isle in 1761.

So far the negotiations had been conducted with the approval of Newcastle, Hardwicke and his party, but they now retired from the Cabinet and did not influence subsequent events. Choiseul was much alarmed over the fall of Newcastle, as he thought it might let in Pitt, and intimated plainly to Bute that there could be no peace if that minister returned to office (23 and 25 May). On 25 May Choiseul, in a lengthy memorandum, insisted on retaining St Lucia and Martinique, but offered to surrender Mobile on the mainland, suggesting, but not insisting, that Cape Breton Isle should be restored to France, and also that concessions should be given her on the coast of Coromandel. On 28 May he wrote again to Solar saying that he would rather break off the negotiations than surrender St Lucia.

On 21 June Bute found the Cabinet opposed to the restoration of St Lucia, and received some sharp criticism. None the less, on 27 June, Bute in concert with Lord Egremont and the King, and unknown to the rest of the Cabinet, gave a secret pledge to restore St Lucia if France were favourable on other counts. They stipulated, however, that the secret of this transaction was to be inviolable. But their conduct in thus defying the majority of the Cabinet was less rash than it appears, for on 17 June Solar had reported Choiseul as saying that peace was made if the British answer was favourable. And it was.

On Choiseul's advice, Bute had negotiated with Spain and received a somewhat haughty reply early in July. This fact added to his difficulties in the Cabinet, and made him unexpectedly stiff when

[1] His reply is undated, but must have been sent at the end of April or very early in May. All the quotations in the next few pages are from the Shelburne MSS, vols. IX, X, XI, now in the Library of the Univ. of Michigan.

[2] Tobago and St Lucia were already in British occupation; the fall of Grenada and the Grenadines was announced as the despatch was being written; that of St Vincent was expected.

Choiseul tried to extract further concessions. On 12 July Bute informed Viry that he would not surrender Dominica, and that England was to retain the western bank of the Mississippi. He added that Choiseul must now write a memorandum, capable of being shown to the Cabinet (and thus concealing the secret negotiation), "by which France will grant all the demands it is definitely determined to grant" at the same time insisting on the cession of St Lucia as an Article and *sine quâ non*. Bute also hinted strongly that, if Spain did not come to heel, popular pressure might force him to retain Cuba, when captured. Viry reported that Bute seemed *un peu fâché*, and Choiseul, realising that the limits of his patience had been reached, sent a reply in the desired sense.

When Bute laid Choiseul's answer before the Cabinet, on 26 July, he proposed to make a separate peace with France at once, leaving Spain to assent to the *fait accompli* or to be crushed by England's power. Bute had some justification for this view, for Choiseul had secretly assured him that he could induce Spain to accept the terms; "England will only have to insist" (30 June). But Bute could not say this openly. He was outvoted and attacked in the Cabinet by everyone, and always referred to his humiliation with peculiar bitterness. Lord Granville even suggested that he was the dupe of France, and George Grenville stressed Ferdinand's victory in Germany. Bute was compelled to abandon his claim to disregard Spain, but he managed to get the Cabinet on 28 July to agree to the restoration of St Lucia. He conceded in return that the King should not assent to the French terms, except on condition that France should try to persuade Spain to accept the treaty.[1] This attitude placed Choiseul in a difficulty. If he failed to persuade Spain, and the war continued, England's terms would rise and he would lose St Lucia. Viry warned him that delay was dangerous, and that Bute was "bolder and more decided than we thought" and "a perfectly honest man". Choiseul did not keep Bute waiting long, and, by mid-August, had agreed to the British terms, and by the end of the month had also induced Spain to agree to treat.

The Duke of Bedford had already been appointed, as British Plenipotentiary, to go to Paris to sign secret Preliminaries of Peace with Choiseul and with a Spanish Plenipotentiary (Grimaldi). He arrived at Paris in September, preceded by four carriage horses and twenty bottles of sack, which Bute had sent as a present to Solar. The Duke was not a wholly fortunate choice, for he was known to be the most pacific, and thought to be the most pliable, of British ministers. He was something of a philosopher and believed that England was becoming too supreme in Europe, and that the treaty should exhibit her moderation and make the extent of British power and her gains

[1] The formal answer to France agreeing to restore St Lucia, etc. was given by Egremont on 31 July 1762, it had been preceded by the secret pledge of 27 June.

in territory acceptable to the world at large. But he was not always easy to negotiate with in detail. Moreover, the revolt in the Cabinet had awakened a justifiable suspicion that Bedford was the instrument of Bute. Accordingly, they decided (19 September) that the Preliminaries must be approved by the King (i.e. by the Cabinet) before being signed. Bedford was annoyed at thus having his hands tied by "instructions one would not give to a clerk".

Choiseul's terms, as finally offered, owed something to Bedford's pressure. In two points they differed from the Preliminaries as eventually signed. There was no guarantee that the French fishing boats would keep at a reasonable distance from the English coasts of Newfoundland, and no compensation was offered for the fall of Havana. The French answer arrived on 28 September and it was known on 29 September that not only had the city itself fallen but nearly a million pounds of treasure and about a quarter of the Spanish fleet were captured. The young King saw the Duke of Cumberland on 1 October and declared that he would demand compensation for Havana, hinting at Florida.[1] It is curious that Bute was not wholly in favour of this view.[2]

Bute found the opposition so formidable in the Cabinet that he adjourned the date of its meeting till 22 October. In the interval he reorganised his Cabinet. He replaced the ablest of his opponents, George Grenville, by Lord Halifax, in the office of Secretary of State. He also deprived Grenville of the leadership of the Commons and gave it to Henry Fox, an old parliamentary hand, accustomed alike to obedience, to debate, and to parliamentary management. To the surprise of everyone Grenville retained his seat in the Cabinet, but he was shorn of his power. If he gave any trouble, Bute could let Halifax conduct the negotiations with France and make Fox defend them in the Commons. Thus assured of making his will prevail in his own Cabinet, Bute felt strong enough to demand compensation for Havana. Spain offered Florida, and France made a concession as to the distance of the French ships from the British coast of Newfoundland. The Preliminaries of Peace were signed between France, Spain and England on 3 November at Fontainebleau.

These actions of Bute drove the Whig party into opposition Overtures of office made by him to Newcastle were declined and this led to an active campaign against the Whigs.[3] The Duke of Devonshire, the only one of them left in the Cabinet, was forced to resign the office of Lord Chamberlain (28 October), was insulted by the King in the process, and removed from the list of Privy Councillors. The

[1] Brit. Mus., Add. MSS, 35839, 1 Oct. 1762, "Some Account of the Terms of the Peace given by the K. to H.R.H. the D. of C. at St. James's".

[2] Shelburne MSS, vol. CLXVIII (renumbered CCII), Letters from Calcraft to Grenville of 3 Oct. 1762. Both writers desired compensation.

[3] Bute had made tentative suggestions to Newcastle in July 1762.

few minor Whigs who remained in the administration then resigned to mark their disapproval.

On 25 November the King's Speech at last contained that allusion to the "bloody and expensive war" which Pitt's insistence had removed from the royal declaration of two years before. Parliament was informed that Preliminaries of Peace had been concluded and advised of the actual terms in December. Pitt violently attacked the Preliminaries in the Commons but could muster only 65 votes against 329. Bute admitted that £25,000 was paid out of the Secret Service money in December 1762.[1] Of this sum £10,000 had always been drawn from the Secret Service Fund at this time of the year. The extra £15,000 was probably spent in pensions given to adherents on the waiting list for pensions. This was, of course, a usual procedure on the entry of a new ministry into office, and the sum does not seem a very large one. The amount does not enable us to suggest that the size of the Government majority in the Commons was due to bribery alone. In the Lords, Newcastle, Hardwicke and Grafton opposed the peace but found a "great majority" against them. Fox, who seems to have already acted with great success in influencing waverers, showed neither scruple nor mercy in a campaign against the Whig placemen. He removed the Whig magnates from their lord-lieutenancies, and hunted their dependents from places and from pensions, "in order to be revenged on me", said Newcastle. No such severity in proscription had ever been known, and it is the more remarkable because the parliamentary consent to peace had already, in fact, been secured by triumphant majorities.

Fresh surprises were in store for the Opposition. On 10 February 1763 peace was finally signed. On 11 March, Bute spoke to Fox of resigning office, on the 18th the terms of peace were placed before Parliament,[2] and Bute laid down his office early in April. There seems to be no reason to doubt that his resignation was due to a simple cause. He had taken office with but one object, to assist his young master in carrying the peace to a successful conclusion. This he had now done. He was ready to resign, and perhaps hoped still to pull wires behind the scenes. He was disinclined for the "bull-fight" of politics and fully aware that his own great unpopularity might easily be transferred to his master. That he loved the young King with a deep affection his private letters show. That he was without personal ambition, and only desirous of being useful to his master, his whole conduct seems to prove. The amazement of his contemporaries at his conduct is indeed the best proof of his personal disinterestedness.

His conduct of the peace negotiations is naturally open to criticism,

[1] See Bute to the King of 4 Nov. 1769. Fortescue, *Correspondence of George III*, II, no. 735, pp. 109–10.

[2] No debate on them is recorded.

though we can understand his motives and the practical possibilities better than his contemporaries did. The plan was simple. Bute, like his master, ardently desired peace, and he told Choiseul so frankly enough. "Instead of going the ordinary way of forming pretensions much stronger than one would wish to conclude, I have traced the plan of an equitable peace such as France could accept with honour."[1] He added that he had not hesitated to make great sacrifices for this result, wishing to make a permanent alliance instead of a *plâtrée* peace. Viry certainly thought, and Choiseul sometimes admitted, that Bute had acted up to his professions. The aim was in itself a high and noble one and worthy of a great statesman, but the prospect of a permanent alliance was certainly premature, and almost absurd. There was no prospect even of more than a truce. In fact, Choiseul began reorganising the French fleet and increasing his armaments so soon as peace was concluded and remained decidedly aggressive until his fall seven years later.

Bute failed equally in his lesser aim of securing good terms by avoiding the diplomacy of the auction-room and offering *le dernier prix*. The secrecy of the negotiation gave Choiseul endless opportunities of playing Bute off against his own colleagues and against Spain, which he was not slow to use. Bute's worst error would appear to have been his over-zeal for peace, and his disregard of the fact that the military events were likely to tell in England's favour. His conduct towards Frederick cannot be entirely defended either as moral or as expedient. The operations in Germany, in fact, gave Bute a valuable lever in negotiation which he rashly threw away at the outset.

On the other hand, the Newcastle-Hardwicke section of the Cabinet, while wishing to retain St Lucia and to get compensation for Havana, contributed largely to Bute's blunders over the Spanish question. Under the influence of Ligonier and Anson they seemed to have been obsessed with the idea that Spain and France would be too strong for England and that any concession was justified to avert that result. It may be doubted whether any concession could have done so, and, as it turned out, England proved stronger than France and Spain combined. But it is only fair to say that Legge, the ex-Chancellor of the Exchequer (and by no means friendly to Newcastle), expressed in a paper, written on 11 February 1762,[2] the view that immediate peace was necessary, to avoid bankruptcy. So the Whigs had technical advice from naval, military and financial quarters, all in favour of a speedy peace. On the other hand, the Duke of Cumberland, their honourable and impartial adviser, was strongly against giving way over the Newfoundland fisheries or discontinuing the war in Germany, and deeply suspicious of any

[1] Shelburne MSS, vol. XI, Viry to Solar, 26 June 1762, reporting Bute.
[2] Brit. Mus., Add. MSS, 35839, ff. 262–3. (An endorsed "abstract of Mr Legge's paper".)

concessions to Spain.[1] And, when it came to the point, the Newcastle party had refused to give up St Lucia.

If the Newcastle policy represents the nadir, that of Pitt represents the zenith, of possible diplomatic achievement. Choiseul lost no opportunity of declaring Pitt's policy to have been undiplomatic in the highest degree, and he has been followed by the most distinguished French historian of this period. Even Stanley, an excellent judge, thought Pitt's diplomatic methods too harsh, and declared he could have made peace had the concessions of 17 August been made earlier. But Stanley did not know what we now know. Such criticism assumes either that the Franco-Spanish union could have been averted, or that it did not mean war. Both propositions seem doubtful. Spain would hardly have approved of Choiseul's private Memorial of July 1761 if she was not prepared to risk war. And Charles III seems to have been prepared to run that risk in order to reduce the increasing predominance of England in America. He had told England this in so many words nearly two years before. If the balance of power was thus really disturbed, soft words from Pitt would not have prevented Spain from joining France.

Assuming war to be inevitable after the signature of the *Pacte de Famille*, Pitt's policy of cowing or attacking Spain was right. Bold counsels were necessary and the first blow would have been struck by England. The conduct of the war was much weakened by his departure, for no other minister could awaken the moral enthusiasm or appeal to the commercial needs of the country. He had not only united England behind him; he had made "trade flourish by means of war". To take two instances: shipping went up from 451,000 tons in 1755 to 561,000 in 1763; the slave trade had almost doubled in amount between 1758 and 1762.[2] A continuance of the war under such leadership would not have led to bankruptcy and would certainly have led to greater victories, or at any rate, to a greater price being exacted for victories.

Was it possible for Bute to have exacted a greater price? There is a beautiful tale of how old Lord Granville signed the treaty papers as he lay dying, quoted Homer over them, and pronounced the peace "very glorious" to his country. It was the last utterance of an able and disinterested statesman who had himself censured Bute for faintheartedness during the negotiation. Weight too must be attached to the utterance of Choiseul himself: "There is no modern example in which a peace has been made when the conquerors kept the whole of their conquests".[3] True as this dictum was, the contrast between what England retained at the peace in the New World, and what she restored, was astonishing.

[1] Lord Granby favoured the peace, as it stood. His technical military opinion is some offset to that of the Duke of Cumberland, but he seems to have been influenced by political motives.

[2] Slave trade figures in C.O. 325/2.

[3] Memo. of 25 May 1762.

She gave back to France Belleisle, Goree, and a share of both the disputed fisheries in Canada: she restored Martinique, Guadeloupe, Marie Galante and St Lucia. She gave back to Spain Cuba in the Caribbean and Manila in the Pacific. Pitt's own plan is difficult to ascertain, for he might have approved in office some of the cessions which he condemned in opposition. That he was sincere in his opposition is certain, for he severed all political connection with anyone who had had a hand in the peace at the time and even maintained this attitude three years later. The Board of Trade's Secret Report on terms of peace of 13 April 1761 went further than Pitt himself in demanding the exclusion of the French not only from the Newfoundland fisheries,[1] but also from Louisiana and from the Neutral Islands and Guadeloupe. Pitt had agreed to some compromise over the Newfoundland fisheries, though he did not accept Bute's eventual settlement. In this he would seem to have erred, for a report from Newfoundland in 1767[2] showed that the results of the treaty had enabled English trade to increase at the expense of French, and had reduced the number of French fishers by about 1000.

Pitt's mind seems to have been exercised by the reflection, which time proved to be correct, that the main trade of Guadeloupe and Martinique must go to the North American continent in any case. And, if so, it was better that British should be substituted for French sugar, and that a potential naval reserve should be withdrawn from France. It has been ingeniously argued[3] that Pitt's consent to giving up Guadeloupe in 1761 was due to the fact that he adopted the new doctrine that Canada with a growing population was a better market for home manufactures than Guadeloupe. When he demanded the retention of Guadeloupe or Martinique in 1762, it is held that Pitt had reverted to the old ideas that a sugar isle was a base of supply. But this omits to consider the political influences on Pitt in each case. He condemned the restoration of St Lucia and of Goree on strategic grounds. "They seemed to have lost sight of the great fundamental principle that France is chiefly, if not solely, to be dreaded by us in the light of a maritime and commercial Power." He pointed out the dangers of the union of the two Bourbon Crowns, and said that Spain was not to be trusted. Havana ought to be retained, for from the moment of its capture "all the riches and treasure of the Indies lay at our feet".

On the whole Pitt was an advocate of the doctrine of the need for controlling trade routes and obtaining markets. He wished for Cuba to secure the trade of Spain, for Guadeloupe to secure that of France. He wished for St Lucia as a strategic post in the West Indies. In West Africa he desired Senegal on commercial, and Goree on strategic,

[1] Jenkinson (afterwards Lord Liverpool) thought Canada hardly worth acceptance without the fisheries. For Board of Trade Report see Brit. Mus., Add. MSS, 35913, ff. 73 seqq.

[2] Shelburne MSS, vol. LXV, 15 Dec. 1767, Hugh Palliser to Shelburne.

[3] Beer, G. L., *British Colonial Policy* (1754–65), 1917, p. 136.

grounds. He wished for the exclusive right to the fisheries of the St Lawrence and Newfoundland in order to drive French sailors from the New World.

Pitt was less of a free agent in his policy than either Bute or Newcastle. He is to blame for disdaining the one, and for making himself intolerable to the other. But he was to some extent compelled to do this, in order to retain his power. For he was "called to office", as he said in his farewell speech at the Cabinet, "in some degree by the voice of the People" and he stood for bold measures and vigorous action. Bute or Newcastle could rely on their command of pensions or of places to win support; Pitt rested on his popularity alone. And he depended in large part on the goodwill of the City, in particular of his chief supporters, Beckford, Hodges, Price and Wilkes. Burke bitterly commented that the "Great Commoner" knew nothing of the "great extensive public" but only "of a parcel of low toadeaters" and by these he meant the City Elders. All of these held that the French must be totally expelled both from Canada and the Newfoundland fisheries. The unanimity of the City Council in this matter seems to supply the reason why Pitt consented so unwillingly to any modification of our exclusive rights.[1] Immediately after his fall he spoke in the Commons, declaring that he repented his concession and that, when we resumed negotiations, "we should have the exclusive fishery in the Gulf a *sine quâ non*",[2] and he was supported in Parliament by his special friend and crony in the City, Alderman Beckford, and by Wilkes in the press.

On the West Indian question Pitt's City friends were much more divided. Beckford argued that the acquisition of French sugar isles would injure existing British isles by reducing the price of sugar. But this view was contested by others of Pitt's City friends. And Pitt was, therefore, able to take his own line more easily. He surrendered Guadeloupe indeed under pressure from his colleagues (and from some of the City) in 1761. But, as soon as he felt strong enough to oppose both, as he did in 1762, he demanded Guadeloupe as well as Canada. For he argued that their trade connection would continue even if Guadeloupe remained French, and that, therefore, she should be British.

The classic discussion as to whether Guadeloupe was more important than Canada occupied the pens of many pamphleteers from 1760 onwards.[3] One pamphlet suggested that America might revolt, once it was safe from the French. Others with equal foresight suggested that the peopling of Canada would mean that they would produce manufactures, and that this would not be to England's

[1] The meagre evidence as to Pitt's City influence is well summarised by Hotblack, *Chatham's Colonial Policy*, pp. 12–7.

[2] For texts of this speech, 13 Nov. 1761, see Yorke, *Hardwicke*, III, 338; *Hist. MSS Commission, Stopford-Sackville MSS*, I, 86–7.

[3] See Grant, W. L., "Canada *v.* Guadeloupe", *Am. H.R.* July 1912, pp. 735 seqq.

interests. As we know in later years, Pitt declared he would not allow "a nail or a horseshoe" to be manufactured in North America. But he also suggested with pride and prophetic insight that Canada would contain 15,000,000 men "when fully peopled". And this shows that he appreciated the advantages of population as well as of trade, and in this sense went farther than some of his friends in the City.

Over the German war Pitt seems to have had the City with him throughout, but he did not always carry all the public. An extremely able pamphlet by Mauduit—*Considerations on the present German war*—appeared in 1760. It was an anti-Pitt pamphlet, said to have been written under the influence of Lord Hardwicke,[1] which ran into many editions. It attacked Pitt's famous dictum of "conquering America in Germany", arguing that the continental war drained our resources, while the colonial increased them. The argument was specious, for it assumed that the German war could be isolated from the colonial struggle, and that our containing operations in Europe did not assist our aggressive operations in America. But it shook Pitt considerably, and at the beginning of 1761 he seemed to be willing to discuss with the King, and with others, the abandoning of the German war. This concession could only have been because of its unpopularity. Towards the end of 1761, however, Pitt strenuously argued for the continuance of war in Europe, and in this attitude the City was with him.

Prohibition of manufactures in the colonies, prohibition of Newfoundland fisheries to France, were imperatively demanded by the popular and City connections of Pitt. And it was this system of complete monopoly which was fatal both to his internal and external policy. For Pitt could not have substantially modified either demand and retained either his power or his popularity. As regards the West Indies and the German war he saw deeper and further than any contemporary, and took a more independent course. He was alone in understanding how strategic and commercial aims subserved one another.

Far the most powerful defence of the Government was made by Lord Shelburne, who had become President of the Board of Trade in the Government,[2] though he was afterwards to take Pitt as a political model. He began by arguing that territory was "secondary" and "subservient to the interests of commerce, which is now the great object of ambition". In proportion as exports and imports increased in a country, so would the number of sailors and ships, and thus wealth was the best defence of a nation. France and Spain could not

[1] This is Horace Walpole's assertion, but it seems doubtful.

[2] Shelburne MSS, vol. CLXV, Lord Shelburne's Speech 1762 (evidently on 9 Dec.). It seems to be the notes rather than the text of the speech, and is not signed by Shelburne. It is not given in Hansard, and was not found by Lord Fitzmaurice, *Shelburne*, I, 137. There can, however, be no doubt of its authenticity, for it is similar in substance to the "Report of the Commissioners of Trade and Plantations on *Division of ceded Provinces and Islands*" signed by Shelburne as President of the Board, 8 June 1763. See Brit. Mus., Add. MSS, 35913, ff. 230 seqq.

well apprehend more evil than they have already sustained, for the capitals of Paris and Madrid were not threatened. So we must make concessions "to make Peace tolerable to our Enemies".

The first object we had obtained was America. "The total exclusion of the French from Canada and of the Spaniards from Florida gives Great Britain the universal empire of that extended coast."[1] We had gained also "new fields of commerce" with the Indians, and supplies of manufactures to 70,000 "Acadians" (French Canadians), we had likewise obtained security for the immense white population of our own colonists. The British exports to the American mainland had greatly increased of late, and the import of naval stores from thence was of great importance, for it might be developed so as to supersede the materials previously obtained from the Baltic, and thereby add to our security. The concessions made by France in the Newfoundland fisheries would enable us to maintain 4000 more seamen than before. Thus the possession of the whole continent of North America assured us an abundance of population and commerce—and therefore of sailors and of ships.

On the other hand, even if we acquired more of the West Indian isles, we should not gain. We exported only £1,000,000 to them at present, and imported £2,000,000, thus losing on the balance. In this view Guadeloupe was a "trifling object", particularly as more sugar could be grown in British islands, and the benefit of such cultivation was doubtful. "Wherever sugar grows population decreases", and therefore "our sugar isles weaken and depopulate our Mother Country, sugar requiring moist[ure] and heat [which] are the causes of putrefaction." "On the contrary the Northern Colonies increase population and of course the consumption of our manufactures, pay us by their trade with foreigners... thereby giving employment to millions of inhabitants in Great Britain and Ireland, and are of the utmost consequence to the wealth, safety and independence of these Kingdoms, and must continue so for ages to come."

There was more than one flaw in this vigorously reasoned and able apology. Thus security disappeared on the mainland if some of the Northern Colonies revolted, as more than one pamphlet had hinted they might do. Shelburne's only suggestion in that direction was that the possession of Florida would enable descents to be made on the Spanish fleet from Vera Cruz or on the Spanish islands. In this respect Pitt's insight cut deeper. It was difficult to formulate or apply schemes of defence on the mainland, and so possession of strategic points in the West Indies was really more important. In the islands, defence rested mainly on the fleet of the mother country; on colonial legislatures which could at need be coerced; and on a

[1] He explained later that the French settlement of New Orleans was so unwholesome, and the navigation of the Mississippi so difficult, that no danger was to be apprehended in that quarter.

general defence policy which could be absolutely controlled by the Admiralty in London. Further concessions could in fact have been extorted from Spain and France. The maladroitness and haste of Bute had made the whole question of compensation for new captures very difficult. For Havana we did not receive full value. For the brilliant capture of Manila, which took place after the Preliminaries of Peace were arranged, no equivalent or compensation was ultimately given. Its occupation, if known in time, would have been a formidable card in British hands to demand the retention either of Cuba or of St Lucia. Here again the haste to make peace injured England's interests. The demand for more strategic security in the West Indies was Pitt's method of meeting the menace offered by the union of the Bourbons. Against this alliance in the future no provision had been made, as Cumberland pointed out to the King. Had Pitt's advice been followed, and St Lucia or Cuba secured, it is certain that the task of the French fleet in the American War of Independence would have been rendered more difficult. It is even arguable whether the naval disasters, which led to the surrender of Yorktown, could have occurred. Thus strategic security in the West Indies was sacrificed to the interests of the American mainland. And diplomatic security was equally sacrificed in Europe, for Bute abandoned his allies in Germany in order to make peace. Pitt saw the danger of such isolation in Europe and strove, directly he returned to power in 1766, to renew our alliance with Prussia and also with Russia. His efforts were vain, and one cause of British disasters in the War of Independence was the fact that Bute's policy had left us without a single ally in Europe. It is a curious reflection on the Peace of Paris that it was assailed by the greatest of all our colonial statesmen on the ground that it sacrificed British interests, both in the West Indies and in Germany, to those of the American mainland. Such a policy implied indeed an abiding trust in the loyalty of British settlers in North America. And the man who had this confidence, the man who cared nothing for Hanover, who gloried in the name of Briton, who gambled on the loyalty of America, was His Majesty, King George III.

CHAPTER XVIII

SEA POWER AND EXPANSION, 1660–1763

UNDER the manifestations of national energy and growth hitherto considered there is one factor fundamental to all. Sea power alone could enable the race first to spread overseas and then to uphold vital connection with the new settlements. The former of these processes is brought about mainly by victorious war. The second raises questions of commerce, finance, law and naval and international policy, all of which, however, rest finally on the former. But sea power also depends on national spirit, good organisation and skill in leadership. With these essentials we are here chiefly concerned, so far as they conduced to the spread and the maintenance of the British Empire.

Under the Commonwealth and Protectorate, England had rediscovered her naval strength. Like other revolutionary governments, that of Cromwell had to exploit all possible resources, and was the first to develop a national and professional ocean-going Navy. Well-found, well-manned, well-armed, homogeneous in design, and handled with a view to a vigorous offensive, that Navy had worsted the larger but heterogeneous and half-mercantile fleets of the Dutch Republic. Already the English admirals were feeling their way towards the line-ahead formation, for which uniformity in design and drill was essential; and behind this tactical advantage lay that invaluable strategic asset, England's position athwart the chief lines of Dutch commerce, which enabled her to enforce a strangling economic blockade. Thus, the final issue could not be doubtful. The almost self-contained island, possessing a professional Navy, could wear down, first the fleets, then the commerce, then the vital strength even of a brave maritime people too dependent on the sea. Equally clear were the imperial issues. The same force, exerted against the wide-flung and ill-cohering dominions of Spain, easily won Jamaica, establishing a base in the heart of Spain's jealously guarded Caribbean preserve. Thus the English, having won security at home and vantage posts overseas, could view without grave anxiety the rapid growth of the French marine.

Is it surprising that Charles II and James II set great store by the Navy, and that Parliament, at the beginning of the Second Dutch War, granted a royal aid "for the preservation of His Majesty's ancient and undoubted sovereignty and dominion in the seas"? The range of action of the King's ships was also extended by the acquisition of Tangier and Bombay as part of the dowry of Charles II's bride, Catherine of Braganza; for the former place, when protected

by a mole, commanded the entrance to the Mediterranean and countered the efforts of Louis XIV to make of that sea a French lake;[1] while the fine natural harbour of Bombay promised support both for the neighbouring British posts and for the East India Company's commerce in those waters. The pretensions of France and, still more, the arrogant exclusiveness of the Dutch in the East Indies brought about acute friction; and in 1663 Charles was applauded when, without declaring war, he ordered Sir Robert Holmes to attack Dutch posts in West Africa and on the Hudson River. The success of this raid, and the ease with which New Amsterdam (New York) and other posts were not only conquered but held, revealed the fragility of the Dutch colonial fabric, reared on a narrow trade monopoly and little real colonisation. The Second Dutch War (1665–7) also proved again the strategic and economic weakness of the United Provinces, whose oceanic trade and North Sea fisheries could readily be cut off by the British Navy. For all their stout attacks on us in home waters and almost complete renunciation of oceanic trade, the Dutch could not gain maritime supremacy; and meanwhile they were drained of their life-blood.

Very different was the strategy of the French, now for a time allied to the United Provinces; for while the Dutch pressed us hard in the North Sea and did little elsewhere, the French held back in the major operations but urged on *la guerre de course*, especially in the West Indies, where they drove English settlers from St Christopher. Finally Harman's powerful relieving squadron beat the French under the guns of Martinique and then raided French and Dutch colonies; but that diversion of force weakened our home defence; and, still more, the rottenness of Charles's administration exposed us to de Ruyter's telling blow at the Thames and Medway. Even so, the exhaustion of the Dutch led to the Peace of Breda (July 1667) which, besides restoring the English part of St Christopher, assured Surinam to the Dutch and New York and New Jersey to the British—a proof that even amidst Caroline decadence, our people could hold their own against the Dutch and French united. The disgrace came in the Third Dutch War when Charles II and Louis XIV in unscrupulous alliance failed to overcome the heroic Dutch.

Meanwhile, individuals had shown that English spirit had not decayed. In 1668–9 two explorers, Radisson and Groseillers, employed for the time by Prince Rupert, with Gillam of Boston as their navigator, renewed the old quest for the North-West Passage, and during the search for it around Hudson Bay established the post of Fort Charles. Thereupon their patrons, including Prince Rupert, obtained a charter founding the Hudson's Bay Company (2 May 1670),

[1] Harris, F. R., *Life of E. Mountague, first Earl of Sandwich*, I, 197, 204, II, 82, 154–9, 165–9; Routh, E. M. G., *Tangier, passim*; Tedder, A. W., *Navy of the Restoration*, chap. iv.

primarily for the discovery of a passage into the South Sea, but also for trading in furs and minerals in "Prince Rupert's Land". It was "to have the sole trade and commerce of and to all the seas, bays, straits, creeks, rivers and sounds in whatsoever latitude they shall be that lie within the entrance of the streight commonly called Hudson's Streights together with all neighbouring lands not possessed by any Christian prince".[1] The first decade of Charles II's reign, when King and people were still united, witnessed by far the greatest colonial acquisitions yet effected; but the miserable schism which followed well nigh wrecked the whole fabric of empire. Very significant was the fate of Tangier. In 1680 Parliament refused the annual vote for its maintenance because "the supplies sent thither have been in great measure made up of Popish officers and soldiers".[2] England's Mediterranean watch-tower was, therefore, abandoned; and its ruin lay as a sign of the paralysing disunion of King and people. The Rock of Gibraltar was soon to be the symbol of a reunion, fruitful not only in Mediterranean, but also in oceanic and imperial strategy.

The accession of William, Prince of Orange, to the throne opened up a new era of national policy and expansion, for he allied the British Isles with the Protestant and Maritime Powers against the threatening might of Louis XIV, thus inaugurating the series of wars with the "natural enemy" which reached their climax at Trafalgar and Waterloo. At the start of the race for empire, France had advantages in her absolute monarchy, then at the height of splendour; in her matchless army; and in her navy, now rivalling those of England and Holland combined. Spain seemed decadent, Italy was a mere mosaic, Germany a prey to disunion, while the Dutch were past the zenith of their energy, and the British Isles felt the troubles of a disputed succession. Thus, with foresight and discretion, Louis XIV should have dominated both the Old World and the New. But, like land power, sea power possesses no infallible magic: its successful working depends chiefly on sound judgment; and here *le grand monarque* was lacking. A long career of success had nurtured his besetting political sin, grandiosity, and its progeny, diffuseness of aim. William, on the contrary, trained to Dutch economy of effort, made the utmost use of his far scantier resources, saw when to strike, and then struck hard.

At once the contrast was startling. While the legions of France devastated the Palatinate and her Navy lay idle, William with an Anglo-Dutch fleet made for Torbay and achieved a bloodless Revolution in England.[3] Next, while he was gaining over allies, the exacting policy of Versailles drove Spain and other Powers into his arms. The higher strategy of the ensuing war (1689–97) also called for clear thinking; and here William's choice of aims was simple and

[1] Schooling, W., *The Hudson's Bay Co.*, chap. i.
[2] *C.J.* IX, 665; Tanner, J. R., *Cat. of the Pepysian MSS* (N.R.S.), IV, 558.
[3] For details see Powley, E. B., *The English Navy in the Revolution of* 1688, chaps. ii–v.

telling. Louis, on the contrary, toyed with many schemes, whereas prudence counselled concentration either on the continental or the maritime war; that is, either on Amsterdam and Cologne, or on London, Dublin and New York. Fortunately for his neighbours, he attempted all five enterprises. Therefore, while gaining initial successes in all quarters (save that the New York design withered for lack of ships and men) he could nowhere push them home. True, in 1690, the French fleets gained off the Irish coast and Beachy Head victories which promised triumph to the Jacobite cause, yet the skilful retreat of Torrington and his retention of a "fleet in being" off the Essex coast thwarted the threatened invasion of England;[1] while William, crossing the Irish Sea with an adequate army under light escort, scattered James II's forces and drove him from Ireland. Thus, by the end of 1690 the unity of the British Isles was restored—an essential preliminary to the establishment of naval supremacy and colonial security. James having strengthened the Navy and well stocked the dockyards, 100 sail of the line were ready, or completing for sea in that year.[2]

Meanwhile, the British Empire had been in grave danger, alike through internal dissensions and French aggressions. That William appreciated the crisis appears in an Order in Council (2 May 1689) planning the fortification of St John's as a sure base for our Newfoundland fishermen, and operations against the adjoining French ports in Newfoundland, which became nests of privateers in war time. The importance attached to the West Indies appears in his order to despatch a fleet to the Leeward Isles; "for the party superior at sea in those parts will probably prevail on land".[3] Before the departure of this force (March 1690), bad news poured in from all quarters. The Hudson's Bay Company bemoaned the destruction of its forts by the French Canadians, who flaunted their design of capturing New York, fortifying its harbour and dominating America by sea and land. Never was there a better opportunity; for the disputed succession in England increased the spirit of dissidence in the Plantations. The rabble of New York deposed the governor, and the Bostonians—a "giddy and enraged mob"—imprisoned theirs, besides capturing the King's guardship. Governor Randolph from the common gaol smuggled to England a warning letter (29 May) that the French were everywhere encroaching, while the Jesuit fathers were winning over some of our Iroquois allies with tales of the 4000 Canadians ready to descend on the weak and distracted English. By the end of July Massachusetts had lost its fisheries and the frontier forts.

[1] Colomb, P. H., *Naval Warfare*, pp. 110–22; Thursfield, J. R., *Nelson and other Naval Studies*, pp. 113–6.

[2] Camden Society, XLVI, 26–36; Burchett, J., *Transactions at Sea*, 1688–97 (1703), pp. 3–19; Lavisse, *Hist. de France*, vol. VIII, chap. ii; Charnock, J., *Naval Architecture*, vol. II, chap. xvi.

[3] *Cal. St. Pap. Col.* 1689–92, pp. 22, 32.

From the middle and southern colonies came reports scarcely less gloomy. All the coast settlements beg for naval succours, even Virginia and Maryland declaring that frigates are their best protection.[1] The merchants trading to New York set forth that the French, if not stoutly opposed, will capture that city "which is the centre of all the American colonies", make it a privateering centre and overrun all the mainland colonies, "which will be the ruin of our West India islands". To avert this disaster they urge the fortifying of New York. Nothing so far-seeing appears in the proceedings of the colonial Assemblies, whose mutual rivalries sapped every effort. Yet at that time Count Frontenac, returning to the scene of his former triumphs in Canada, was maturing a plan for a double attack on New York by sea, as also by land down the Champlain-Hudson rift. Insufficient support from France and the inherent difficulty of coordinating the two expeditions marred the project; but with the aid of Indian allies he organised frontier raids which terrorised New England and New York. If his object was to pin their militia to frontier defence while he prepared a blow at New York or Boston, he failed; for the Indian outrages aroused a resolve to procure assistance from England, and by means of her fleet strike at Quebec, their militia meanwhile threatening Montreal.[2] As supremacy in North America depended on sea power, the New Englanders sent home requests for help, they themselves undertaking to supply 500 troops with transports. Meanwhile the militia (which on paper numbered 13,279 men) would attack Montreal and Quebec by way of Lake Champlain.[3]

The plan was the first of several which were tried without success until the year 1759. The same causes of failure generally appear: the reluctance of the colonies to send their quotas; desertions, delays, and quarrels as to leadership; the slowness of the Home Government to supply ships and troops,[4] and dislocation between the maritime and land expeditions; for the former, sailing by a devious route for Quebec, was completely out of touch with the latter, aimed directly by land at Montreal; whereas the French defenders, acting on interior lines and on a fine waterway, could rally promptly at either place. In this first effort, a Boston adventurer, Sir William Phipps, collected there a force of eight vessels and 446 volunteers, with which he reduced Port Royal in Acadia (11 May 1690), but this success was soon reversed by a single French warship, which carried off the English governor. Meanwhile with a larger force of five armed ships and twenty-nine unarmed transports, manned by New Englanders, Phipps prepared to ascend the St Lawrence, while 2000 men

[1] *Cal. St. Pap. Col.* 1689–92, pp. 45–7, 66, 82, 101, 389.
[2] Lorin, H., *Le Comte de Frontenac*, pp. 356–62; Osgood, H. L., *The American Colonies in the 18th Century*, vol. I, chap. iii; Garneau, H., *Hist. du Canada* (5th edn, 1913), pp. 379–82.
[3] *Cal. St. Pap. Col.* 1689–92, pp. 240–1, 261.
[4] Guttridge, G. H., *Colonial Policy of William III*, pp. 103–6, 184.

advanced on Montreal by the Hudson-Richelieu route. The latter effort miscarried owing to smallpox and transport difficulties; and Phipps, though reaching Quebec with ease, there failed still more egregiously, his men finally rushing to the boats and abandoning their cannon and stores (21 October). Thereafter, storms completed their discomfiture, the venture altogether costing the Boston "undertakers" £50,000.[1] This conclusion is characteristic of the age. Men, money and resources being very limited, each side sought to harry the other in order to spread out and thin the opposing forces. Neither could strike heavily both by sea and land; and the interdependence of the naval and military efforts, important even at the time of Wolfe, is the paramount factor at the time of Phipps. In 1690, far more than in 1759, these young communities, in war as in peace, depended absolutely on the mother countries, without whose help their sparrings were almost puerile.

Similar scenes of sporadic indecisive warfare occurred in the West Indies. As the Greeks had long ago discovered, an extensive archipelago inclines men to raiding habits, which demoralise commerce and degrade warfare. Rich islets invite assault, and are the despair of their defenders. Even a weak frigate squadron overpowered isle after isle before the motherland could effectively intervene. A fleet decided everything. Further the British strategic position there was weak, our Leeward Islands, from St Christopher on the north-west to Barbados on the south-east, having no good harbour or naval base, while the French base, Fort Royal in Martinique, occupied a central position, whence even a great fleet, after shelter and repairs, could run down before the constant easterly trade winds and overpower either those islands or Jamaica. That island, again, had at Port Royal no adequate protection or docking facilities, and lay to leeward of the many French ports in the western half of Hispaniola (San Domingo), whence raiders easily swooped down on a coast hard to defend. What wonder that the colonists sent home bitter complaints? The merchants of Jamaica beg for three frigates, good sailers, to ply to windward and protect the coasts and the trade. St Christopher is in a worse case; for there the strong Irish element defiantly holds to King James and joins the numerous French settlers. The Irish in Nevis and Montserrat are also turbulent. Antigua, the seat of government of the Leeward Isles, complains of neglect; for during three years it has seen not a frigate "to protect from pilfering pickeroons"; it begs for a squadron "to turn our mourning into joy". Even the populous and wealthy island of Barbados lives under a cloud. "If (writes home the governor on 30 May 1689) you could spare me a few men of war, I could, with the men I could raise here, capture the French Islands"; but the French "make their greatest advantage

[1] *Cal. St. Pap. Col.* 1689–92, pp. 338, 368, 376, 415; Parkman, F., *Frontenac*, chap. xiii; Garneau, pp. 385–91; Osgood, I, 87–92.

by surprise". Others point out that if we take Guadeloupe and Martinique the French fleet will soon be helpless; but this enterprise demands a large naval and military force from England. Instead there comes a French fleet, which, landing troops in St Christopher, devastates all the British portion, whereupon Count de Blénac, Governor of Martinique, threatens to sweep bare all the British islands.[1] Sickness, however, soon thins the French crews, and palsies their efforts.

Not until May 1690 did the long-expected British expedition under Captain Wright reach Barbados. With his nine vessels and a few armed merchantmen, he soon set sail for St Christopher, there effecting a junction with the local forces commanded by Codrington, Governor of the Leeward Islands. Alike in thought and action Codrington stands forth as the ablest leader in the West Indies—witness his despatch of 1 March 1690: "Had we a fleet to make us masters of the sea, 2000 soldiers from England would amply suffice to make us so on land in all the French islands, if Barbados be ordered to help us, as she is in a position to do....A fleet and suitable instructions to the Governors would suffice to drive the French out of America, and I heartily hope this war may see it done".[2] Landing his men secretly in a cove near Basse Terre, the capital of St Christopher, Codrington took the French lines in reverse; then, constructing a battery on Brimstone Hill, overpowered their chief fort, and with naval assistance compelled the French and Irish to surrender (July 1690). These were shipped away to French islands; whereupon he reinstated most of the former British inhabitants. Marie Galante and St Eustatius were also reduced. Next he urged Jamaica and Barbados to seize the present opportunity and with united forces drive the French from all their islands. But the Jamaicans were too scared by French raids and by a negro rising, and Barbados by fears of one, to send reinforcements.[3] Sickness and lack of provisions hampered the fleet, which effected nothing of note. After the hurricane months, Codrington urged an attack on Guadeloupe or Martinique, adding, "I shall try to pick up a month's subsistence for it [the fleet] even if we should half starve ourselves".[4] Again, after the failure of the attack on Guadeloupe, he wrote: "All turns on mastery of the sea. If we have it, our islands are safe, however thinly peopled; if the French have it, we cannot, after the recent mortality, raise enough men in all the islands to hold one of them".[5]

This maxim was applicable to the naval war as a whole. For while the French controlled the English Channel, the allied fleets could not prevent them from sending out expeditions at will. The only effective defence of all the colonies was to beat the enemy's main

[1] *Cal. St. Pap. Col.* 1689–92, pp. 27, 49, 65, 73, 79, 85, 95, 113.
[2] *Ibid.* pp. 113, 121, 147, 229.
[3] *Ibid.* pp. 291, 303–5, 316.
[4] *Ibid.* pp. 327, 369.
[5] *Ibid.* pp. 536–40.

fleet and then blockade or observe his chief ports—an ideal impossible of attainment until after the victories of Barfleur and La Hogue (May 1692). Earlier, the French had sent out to Martinique a powerful squadron, whose efforts were foiled by the British except in Jamaica, the north of which was ravaged. The miseries of the colony were completed at midsummer by a terrible earthquake, fatal to two-thirds of Port Royal and all the forts. "Till we can fortify", came the demand, "we want five men-of-war, four or five hundred soldiers, arms and ammunition."[1] These ships could not be spared; for by now the Admiralty was deluged by demands for convoys to meet the privateering methods which the French had adopted. In fact, the colonies were for a time sacrificed to commerce protection and to the generally futile efforts against the French coasts. Hence also the long delays in the equipment of Sir Francis Wheler's West India expedition, consisting of seven sail and two frigates, which did not leave Cowes Road until 9 January 1693, four months too late. Further difficulties detained Wheler two months at Barbados where the crews contracted fever. At last, on 30 March, he set sail for Martinique. After landing troops on that island he received reinforcements brought by Codrington and resolved to attack St Pierre. The delays having enabled the French to strengthen that place, it defied assailants who were half-paralysed by the fever brought from Barbados and the disaffection of the Irish troops. Wheler therefore called a council of war in which he alone advised an assault. Yielding to the majority, he re-embarked the troops (20 April). Similar councils deterred him from attacking Guadeloupe, and, as his instructions bade him leave the West Indies in May, he returned to Barbados after losing 668 men from fever. As Codrington pointed out, the failure was due, first to his not arriving before the rainy season, and secondly to his instructions, which required the capture in one month of two fortified islands which needed four times as long. Ill fortune dogged Wheler throughout. Arriving off Boston late in July, he urged Phipps to raise 400 men for an attack on Placentia, that nest of French privateers in Newfoundland, but Phipps, having prorogued the Massachusetts Assembly, pleaded inability. Consequently the fleet, still being sickly, was too weak to attack Placentia and returned to England.[2]

There the outlook was gloomy. In 1693 the loss of most of the valuable Smyrna convoy and the failure of the attack on Brest aroused furious protests. In July Liverpool merchants complained that of thirty-two ships sent to the West Indies in 1693 only four had returned. The strain told on the finances and therefore on the two services, Godolphin having to bargain with the Jews for money for urgent needs.[3] In April 1695 Dublin bemoaned the fall in Irish trade

[1] *Cal. St. Pap. Col.* 1689–92, p. 685; Clowes, W. M. L., *The Royal Navy*, II, 467–9.
[2] *Cal. St. Pap. Col.* 1693–6, pp. 13, 79, 87, 100–2, 133. [3] *Ibid.* pp. 217, 237.

and revenue, due to the activities of French privateers.[1] Worst sign of all was the incompetence of the Admiralty, as was seen in the just grievances of the seamen, and the advancement of "many of your loose gentry", who are "not bred tarpawlins", and therefore lose their ships. As to warships they are "over-built, over-gunned, and over-masted, built too broad aloft and too narrow below", besides being often foul and therefore slow.[2] What wonder, then, that the Empire suffered? When New England and Jamaica begged for naval protection, the Admiralty replied (20 August 1694) that, of the sixty-three warships available, forty-three were by a recent Act of Parliament told off for the protection of trade. The needs of the service in the Mediterranean, where William's offensive strategy sorely hampered French efforts, disposed of nearly all the remaining twenty.[3]

A frequent cause of failure in the colonial expeditions being friction between the two services, the King designed a scale for sharing the prize money, and on one occasion inculcated the need of concord. Nevertheless violent discords wrecked the West India expedition of Commodore Wilmott and Colonel Lillingston. The crews sickened on the outward voyage, the conjoint operations with our Spanish allies in Hispaniola against the Port de Paix were marred by constant disputes, and trifling successes there and at Cap François, in the summer of 1695, involved so much loss and hardship that finally the weakened crews could scarcely work the ships home. Very apposite was the warning of the Agents for Jamaica that West India expeditions must arrive in the healthy season, November to March.[4]

Farther north, the greatest danger arose from the disunion and apathy of the British colonies, which enabled Frontenac to cow the Iroquois, capture the border forts, and harry the New England coasts, with the result that many settlers fled southwards. Even New York was in grave peril; and in November 1696 the citizens petitioned the Crown to fortify that "barrier of all the colonies in America". Requests also came to send out a viceroy who would compel union for defence.[5] The French, clogging us in home waters by threats of invasion, now prepared to capture Boston, and then, if possible, New York. As a preliminary, they struck at the British settlements in Newfoundland, in order thence to prey on New England commerce and ruin English fisheries on the Bank.[6] Brouillan with a warship and eight armed fishing vessels of St Malo laid waste the smaller English settlements, and, when joined by a daring Canadian seaman,

[1] *Cal. St. Pap. Col.* 1693–6, p. 441.
[2] *Pepys Correspondence* (1679–1703), ed. by J. R. Tanner, II, 118–20, 320; Charnock, vol. II, chap. xviii.
[3] *Cal. St. Pap. Col.* 1693–6, pp. 325–34; Corbett, chap. xxvii.
[4] *Cal. St. Pap. Col.* 1696–7, pp. 179–81, 208–10; Burchett, pp. 354–74; Lillingston, L., *Reflections on Mr Burchett's Memoirs* (1704), *passim*; Clowes, II, 492–4.
[5] *Cal. St. Pap. Col.* 1696–7, pp. 189, 212; Burchett, pp. 334, 347, 353.
[6] Garneau, I, 402–6.

d'Iberville, with a small force, overwhelmed the brave defenders of St John's, which surrendered along with the remaining settlements (December 1696). The passivity of the British warships off the North American coast at this time is discreditable. But for the vain attempt of a small squadron on the Acadian coast, no sign of activity is observable. The London traders with Newfoundland petitioned Parliament for an expedition in the spring to rescue the surviving settlers and preserve the British fishing fleet of some 140 vessels, which bring home 200,000 quintals of fish.[1] Similar requests came from Barnstaple, Bristol, Weymouth, Exeter, Plymouth, Bideford and Poole, Bristol demanding the annual despatch of ten warships and the fortification of St John's, Harbour Grace and Ferryland. Exeter emphasised the training in seamanship furnished by the Bank fishing, and the need of permanent settlements in Newfoundland to succour the crews.[2] The mishaps overseas strengthened the Tory claims that William was wasting the strength of England in land campaigns for establishing a barrier for the Dutch against the French, whereas her true policy required vigorous concentration on maritime efforts.

The recovery of Newfoundland was delayed by news of de Pointis' raiding expedition to the West Indies, in pursuit of which Vice-Admiral Neville was sent off, too late, however, to save Cartagena from capture and plunder. His arrival in those waters hurried off de Pointis and checked French privateering, but otherwise achieved little. On his way back de Pointis touched at Newfoundland, and should have been worsted by Commodore Norris's expedition, which, reaching St John's on 7 June, had begun to re-establish the British settlements. Unluckily, his land officers mistook de Pointis' squadron for another lately out of Brest and refused to leave St John's. de Pointis therefore escaped to Brest, while Norris restored the British ports.[3]

Our severe losses in merchantmen[4] caused great discontent both at home and in the colonies, which were on the brink of ruin. The mishaps at sea often arose from the disaffection of officers, though the crews seem to have been thoroughly loyal.[5] Nevertheless, the British Navy, latterly with little help from the Dutch and none from the Spaniards, had inflicted on that of France losses of warships mounting 2244 guns, while suffering losses of only 1112 guns;[6] and its net gain during the war had been twenty sail and forty frigates.[7] But the widespread colonies and commerce of the allies had suffered far more severely than those of France. Her main fleets (held in reserve after 1692) were still strong enough to compel the allies to retain fleet formation, which told against their efforts to check her raiding squadrons. In the colonial sphere *la guerre de course* was highly

[1] *C.J.* xi, 681. [2] *Cal. St. Pap. Col.* 1696–7, pp. 206–309.
[3] Burchett, pp. 374–7; *Life of Capt. S. Martin*, ed. by C. Markham (N.R.S. 1895), pp. 27–33; *Life of Sir J. Leake* (N.R.S. 1920), I, 90–9.
[4] See Clark, G. N., *The Dutch Alliance and the War against French Trade*, pp. 123–8, 132–5.
[5] *C.J.* xi, 578. [6] Burchett, pp. 407, 408. [7] Charnock, II, 465.

effective. Further the decline in the efficiency of the French Navy has probably been exaggerated by Mahan.[1] In 1697 it held the Mediterranean and could probably have disputed the Channel with the allied fleets, had not Louis XIV's exchequer been exhausted by multiple efforts far beyond his strength. Peace was, therefore, patched up by the Treaty of Ryswick (September 1697), which stipulated the mutual restitution of conquests and the recognition of William III as King of England. Thus ended a struggle which in 1690 threatened disruption to the kingdom and the Empire. The skilful strategy of Torrington after Beachy Head, the indecision of Tourville, and, above all, the fundamental errors of French policy saved England and her colonies from dire danger. After La Hogue, abandoning the defensive, she could by degrees take the offensive, with results which compensated for defeats in Flanders and several mishaps overseas.

Some secondary results of these struggles now claim attention. War breeds privateers;[2] and they breed buccaneers and pirates. Amidst the turmoil of war, so-called honest traders, notably slavers and logwood-cutters, after strokes of ill luck, take up the "profession of the seas", which undoubtedly has fostered smart sailing and the daring exploration of risky waters and snug retreats. Of British sailors who made trial of all these shifts, William Dampier (1652–1713) stands forth chief. Man-of-war's man, seaman in a West India ketch, logwood-cutter among the many Englishmen on the Moskito Coast, buccaneer, pirate and explorer, he ran the whole gamut of tropical adventure, ranging from Jamaica and Panama to Juan Fernandez, and east to Sierra Leone, the Philippines, China, New Holland and Bencoolen. Thanks to good natural gifts, an observant eye and a ready pen, he contrived, amidst all the piracies and blackguardism in which he unwillingly took part, to keep a diary recording his impressions of peoples, lands and facts of natural history. Thus he figures as a link between the times of Captain Kidd and those of Captain Cook. On his return he worked up his diary into a *Voyage round the World* (1697), the popularity of which induced him to write a supplement. His feline faculty for survival, and marked gifts of observation (specially notable in his *Discourse of Winds*) attracted the attention of the Admiralty, which accepted his offer of voyaging to New Holland and thence to New Guinea and the neighbouring islands in search of spices or other products. His voyage in the *Roebuck* (1699–1700) was a failure. The landfall near Shark's Bay in western Australia was in a forbidding region (the natives are "the miserablest people in the world"), and his coastwise trip to the district he named Dampier Land brought equally small hope of gain. Thence, coasting past Timor and New Guinea, he named New Britain, but found nothing to assuage the growing discontent of his crew. Finally, his

[1] Mahan, *The influence of sea power upon history*, pp. 192–6.
[2] See Clark, G. N., chap. iii.

battered ship barely reached Ascension on the return; and the venture did not encourage voyages to *Terra Australis incognita.*

Men like Dampier kept alive the spirit of adventure and interest in the Navy, whose late services silenced all opposition to William's programme of new construction. Consequently, on the resumption of hostilities with Louis XIV and his Spanish allies, England possessed some 130 sail ready or completing for sea as against about fifty French sail,[1] so that she was able at once to take the offensive at sea. Such action alone could meet the need of the crisis, which was not only European but world-wide. For if Louis XIV, through his grandson, now styled Philip V of Spain, controlled the policy of Madrid, he would control also the Mediterranean, wealthy domains in Italy, and the larger part of the New World. William and his Austrian, Dutch and German allies regarded the struggle mainly as one for the preservation of the balance of power in Europe. But it also involved the ownership of the new lands overseas, by the resources of which Louis would overwhelm all rivals. Therefore, in supporting "Charles III", the Habsburg claimant to the Spanish throne, the allies sought to rescue Antwerp, Ostend, Cadiz, Barcelona and half of America from the power of France, which else would threaten the Thames, close the Mediterranean, drain the wealth of America and bestride the world like a Colossus. Such was the menace which overcame the scruples of the Tories and enabled William III in his last months to rebuild the Grand Alliance and embark England in a continental war. Anne at her accession adopted his policy and rallied English and Scots around her in sentiments of loyalty, which were to be clinched by the Act of Union (1707). On the other hand, Spain, torn by internal strife and with a rotting marine and decadent army, offered a ready target to the allied efforts; and from the dash on her galleons in Vigo Bay (1702)[2] to the capture of Gibraltar (1704) and of Minorca (1708) the chief blows of the British Navy fell on her. The prospects of "Charles III" in Catalonia and the accession of Portugal and Savoy to the Grand Alliance turned the naval war largely towards the Mediterranean. Control of its waters, the dominant note of William's naval strategy, now sounded forth clearly in the despatches of his great pupil, Marlborough.[3] And for the first time the fate of lands far beyond the ocean was to be determined in that ancient womb of empire.

Now, as always, France struck first at our most valued and vulnerable point, the West Indies. As has been seen, she was there at her strongest, we at our weakest. Therefore, long before the outbreak of war, she despatched under Châteaurenaut to Martinique forces which early in January 1702 consisted of forty-two warships with

[1] Charnock, III, 8–10, 41.
[2] *Journal of Sir Geo. Rooke*, ed. by O. Browning (N.R.S. 1897), pp. 227–35.
[3] Corbett, chaps. xxvii, xxviii.

1200 troops on board. A letter of one of his officers stated that, if assured of the safety of the Spanish treasure galleons, they would at once attack our colonies—as usual ill prepared and now panic-stricken. But the curses of West India warfare soon blighted these lofty designs. Sickness ravaged the French crews; uncertainty about the galleons clogged those ships which could move; and finally the Spanish commander declined French escort. While some hovered about uncertain, others watched Vice-Admiral Benbow's squadron protecting Jamaica. He, too, fared ill. Stout "old tarpaulin", while struggling desperately for four days against a French section, was thwarted by the cowardice of two captains who were justly condemned to death, while on 4 November he himself died at Port Royal of a wound exacerbated by anger and melancholy.[1]

Owing to an epidemic his successor, Rear-Admiral Whetstone, could effect little. The French losses, however, being as heavy, the major operations petered out. Except at St Christopher where Codrington from Antigua outwitted the enemy (thereupon expelling the French settlers) no conjoint expedition succeeded. Nay! his success was of doubtful value; for the French refugees, resorting to Martinique, where food was very scarce (salt fish sold at $7\frac{1}{2}d.$ a lb.), took up privateering with the zest of Dunkirkers and swept the seas of unprotected British merchantmen. Hence the diversion of many British warships to convoying or coast protection. A more vigorous plan was to aim a blow at Martinique, which then would recall its privateers.[2]

A typical West India expedition was that designed for Lord Peterborough, which devolved finally on Codrington. That experienced officer hoped the force would arrive in November 1702 and capture Martinique, "which we might have had for the asking last year". Its instructions, not drafted until January 1703, pointed vaguely to the French Windward Isles, then to a rendezvous at Jamaica for consultation as to a blow, first at the Spanish Main, then at Placentia and the French Newfoundland fishing fleet, or at Quebec for the expulsion of the French from Canada. Thus all Codrington's warnings as to seasons and the danger of delay were ignored; and the sequel ran the natural course. The fleet which Commodore Walker brought to Barbados in February 1703 lost heavily during his long stay owing to spirituous hospitality, and was thereafter too weak for an attempt on Martinique; but, landing in and devastating the chief places of Guadeloupe, found itself in the heats and rains of May unable to hold that island, still less to attack the Spaniards. After causing great discontent in Jamaica by impressing men, Walker sailed away for Newfoundland, where the French had meanwhile so strengthened the forts of Placentia as to render an attack imprudent. Codrington passed the verdict—"Delays cost more men than the

[1] *Cal. St. Pap. Col.* 1702, pp. 47, 71, 110, 216–18, 368, 460, 673–9, 744.
[2] *Ibid.* pp. 713, 744.

warmest actions". In truth, the net result was the devastation of parts of Guadeloupe, whose inhabitants thereupon took to privateering and reduced the settlers of our Leeward Isles to such straits that several fled to Pennsylvania.[1]

The Spaniards and French gained other privateering centres by taking and laying waste the Bahamas (1703), whence they preyed upon West Indian and American commerce. In the spring of 1706 Nevis and St Christopher were raided by d'Iberville, until an English squadron drove him off. Thereupon Codrington's successor, Parke, urged the Government to capture the source of all evil, Martinique, adding derisively—"Send me over 10,000 Scotch, with oatmeal enough to keep them for three or four months". With them he will do much (or see them knocked on the head): he will take and settle Porto Rico—"a better settlement than their beloved Darien". He received the equally tart rebuke that after the Act of Union all Britons were to enjoy equal privileges.[2] Though in 1707–8 some twenty-four British warships cruised in those waters, yet privateering devastated commerce. In January 1708 a Jamaican reports: "Trade in general seems at a stand and nothing on foot but privateering", which tempted away so many seamen that the warships had to fill up from the troops or stay rotting in port. He foretells that the war will "leave to the world a brood of pirates to infest it". Commodore Wager might take or destroy near Cartagena Spanish galleons worth £15,000,000, and buccaneers might bring in much spoil to Kingston; but it is clear that the war impoverished all the West Indies.[3]

Meanwhile, the fate of the colonies was being decided largely in the Mediterranean. To that sea Louis had despatched his main force in the hope that so far from home the British and Dutch would be at a serious disadvantage. He erred; for that same consideration led them to conquer Gibraltar and Minorca. Their diffuse operations on the coasts of Spain having induced her to parcel out her feeble army, Admirals Rooke and Vanderdussen struck at Gibraltar with incisive effect. That fortress was being repaired by the Spaniards,[4] and was not so weak as has often been stated; but the garrison did not exceed 500 men, four-fifths of them militia. The place, therefore, invited attack by a great combined fleet; and, when cut off from mainland succours by a landing party at the isthmus and overpowered in front by the ships' broadsides and boats' crews, the small garrison surrendered. At the cost of 60 killed and 216 wounded, the dream of Cromwell and the design of William were thus fulfilled (22 July 1704). To keep the key of the Mediterranean was another matter; for Louis XIV and Philip V, realising their mistake, now strove hard for its recapture. Louis hurried off the Comte de Toulouse with the

[1] *Cal. St. Pap. Col.* 1702–3, pp. 89, 117, 127, 132, 150, 213, 439–50, 571, 750, 817.
[2] *Ibid.* 1706–8, pp. 358, 426; *ibid.* 1708–9, pp. 191, 432.
[3] *Ibid.* pp. 40, 191, 202, 270, 320, 402.
[4] Letters published in *The Times* of 17 Feb. 1926, by Morshead, O. F.

Toulon fleet of fifty sail, which off Malaga fought an even fight with the allies' fifty-three (13 August). The Count, for all his boasts of victory, admitted a strategic reverse by retiring to Toulon, thereby leaving the allies free to strengthen their hold on Gibraltar. Rooke's battered fleet having to retire to Lisbon or Portsmouth for repairs, the French and Spaniards again assailed the place, only to be worsted by the prompt approach of Admiral Leake's succouring squadron from Lisbon (29 October). Again, in 1705, his support from Lisbon as base enabled our little garrison to hold at bay and wear down ten times their number of assailants.[1]

In fact imperial expansion was to be based on the Rock of Gibraltar. No place in the world offered greater strategic and tactical advantages. First, as a base to a British fleet, it enabled us to sever the French and Spanish Mediterranean forces from those in the Atlantic. After 1704, Toulon and Cartagena were, in a strategic sense, wasted enterprises; for the enemy's favourite gambit against England or her colonies from one or both of those ports was now countered at the start; and his endeavour to doff the Gibraltar incubus generally led to a battle with part of his Navy, which favoured the British war plan. Further, our frigates based on Gibraltar nearly always sighted and tracked a squadron working out to the open, and thus ended the uncertainty which had often paralysed naval operations. The tactical advantages of Gibraltar were also great. A small garrison there, supported by but few warships, could repel the attacks of a considerable army—a state of things exasperating to the enemy, who must attack that post in order to assure naval reunion, yet lost heavily in so doing, because a small force afloat or ashore at Gibraltar was a match for a far greater force of assailants. Therefore British colonies had comparative rest because the French and Spanish forces needed for conquest in the New World were hurled in vain at the Rock.

These effects were gradual and cumulative. At first Gibraltar was ill fortified and had so few docking facilities that our Mediterranean fleet perforce returned home for the winter. The need of a more spacious base farther east becoming urgent, Minorca was captured in September 1708; and its land-locked harbour of Port Mahon proved to be a far better base for the observation of Toulon.[2] Thenceforth the British fleet, operating on the Gibraltar-Minorca base line, acted as a central force, linking up the allies' moves on and near the coasts of Italy and Spain, while France found the flank and rear of her armies insecure and felt the throb of her Levantine commerce die away.[3]

Meanwhile, as the prospects of "Charles III" brightened, the allies began to trade with the Spanish colonies in his name, with results favourable to commerce as far as New York.[4] There and in

[1] *Torrington Memoirs*, pp. 138–45; *Life of Sir J. Leake*, by Leake, S. M. (ed. Callender, G. for N.R.S.), vol. I, chap. iv; Corbett, chap. xxxi. [2] Leake, I, 267–9.
[3] Colomb, P. H., *Naval Warfare*, p. 367; Callender, G., *Naval Side of British History*, chap. x. [4] *Cal. St. Pap. Col.* 1704–5, pp. 24, 44, 49, 69, 140.

New England the new treaty of alliance with the Iroquois secured the frontier except in New Hampshire and Maine, now reduced to misery by border outrages. The coast and the fisheries suffering almost as much from the raids of Quebec, Placentia and Port Royal privateers (the last "is become another Dunkirk"), Governor Dudley of Massachusetts besought Great Britain for 3000 troops and adequate shipping to strike at the root of the evil.[1]

Equally insistent was a Bostonian, Captain Vetch, who, in July 1708, presented to Mr Secretary Boyle a memorial, "Canada Surveyed", describing the hardships of the Plantations, which spent £97,000 a year on defence, yet lost much of their shipping. For the half of one year's losses, they could conquer Nova Scotia and Canada —the only way of ending their ills. England should supply eight warships and two battalions of regulars, the colonists furnishing 1000 militia and transports for the blow at Quebec, also 1500 militia and Iroquois for that at Montreal. The New England attempts on Canada in 1707 had failed "only through want of officers and conduct". After the conquest the Indians will soon be loyal subjects "when they have no priests to poison them"; and Canada, with a climate far better than Darien, will become "a noble colony, exactly calculated for the constitutions and genius of the most northern of North Britons".[2]

The French reinforced his arguments by raiding St John's at Christmas 1708; but, apart from sending a small force to recover it, the Whig ministers sent little or no help. Their preoccupation in continental campaigns caused increasing annoyance, not only in the colonies but at home, Swift bidding them remember that for the Maritime Powers the true way to get at Spain was, not through Flanders, but the West Indies[3]. Other reasons for neglect of the colonies were bad naval administration and the failure of the Dutch to supply the stipulated naval quotas, the deficiencies in 1708–10 amounting to eighteen, thirty-one and twenty-four sail of the line respectively. An undue strain was, therefore, thrown upon the British Navy, many of our ships having to remain "in remote seas and at unseasonable times, to the great damage and decay of the British Navy".[4] For these reasons, apparently, only three British warships with a regiment on board and several vessels with local levies sailed from Boston. They easily captured Port Royal, now renamed Annapolis Royal (September 1710); but, as the hold on Acadia was precarious while Canada remained French, requests were sent to London for an expedition to expel the enemy. Late in 1710 the Tories, recently come to power, prepared an expeditionary force of some 5000 troops in fifteen warships and forty-six transports, under the

[1] *Cal. St. Pap. Col.* 1706–8, pp. 31, 260, 438, 587–91.
[2] *Ibid.* pp. 41–51.
[3] See *infra*, chapter xx.
[4] *C.J.* 1711, pp. 49, 120, which correct Mahan, pp. 61–2.

command of Rear-Admiral Sir Hovenden Walker and General Hill. Picking up 2000 New Englanders under Vetch at Boston in July 1711, the force proceeded up the St Lawrence, where Walker and his pilots during gales and mist neglected the most rudimentary precautions, and ran eight transports on the reefs of Egg Island, some thirty miles out of the course. Hill and he then resolved to return home, without attacking the petty forts of Placentia.[1] This disgraceful failure scarcely affected the main issue, which was determined in Europe. Already, in 1709, the first overtures for peace came from exhausted France.[2] They elicited from colonial circles various petitions, e.g. from Jamaica merchants for the removal of the French settlements from Hispaniola, "a sad and grievous thorn in our side"; a general demand for the annexation of St Lucia, Dominica and Tobago, to which we had good claim, and the retention of the whole of St Christopher; also for the expulsion of the French from Newfoundland and Hudson Bay. Massachusetts urged the retention of Nova Scotia, whose privateers had ruined New England trade and fisheries.[3]

Though the French and Spanish Navies had been reduced to impotence, yet the losses of British merchants contributed to the war weariness and partisan intrigues which led to the Peace of Utrecht (1713). France had to cede Nova Scotia ("the key of all the eastern colonies"[4]) and her settlements in Newfoundland, Hudson Bay and St Christopher. But the Tory ministry made no effort either to secure the cession of Cape Breton Island or to delimit the southern and eastern limits of Canada. Both omissions soon bred constant strifes. From distracted Spain ministers extorted only Gibraltar and Minorca (already in our hands), and they abandoned the cause of "Charles III" and the Catalans, besides leaving Spain to Philip V, that is, to the French connection. Discontent with this compromise was general; it appears in the protest of North American merchants against leaving to France Cape Breton Island, a certain menace to Nova Scotia and British shipping. The criticism was soon to be justified; for from its port, Louisbourg, as base, France pressed forward her schemes for the conquest of North America. Yet at Utrecht trade interests had been protected, especially in the Asiento clause of the treaty.[5]

Such was the profitable but inglorious ending to a war waged at sea neither with foresight nor efficiency. Marlborough it was who prompted the nearly successful conjoint expedition against Toulon in 1707 and the capture of Minorca in 1708. In naval strategy and tactics the war was singularly barren: but the plodding ways of British seamen, the exhaustion of France and the inevitable pre-

[1] Morgan, W. T., Art. in *Trans. R. Hist. Soc.* 1927.
[2] Torcy, *Journal de* 1709–11 (ed. Masson), pp. 86–168.
[3] *Cal. St. Pap. Col.* 1708–9, pp. 304–39.
[4] *Corresp. of William Shirley* (ed. Lincoln, C. H.), II, 149.
[5] *Cal. St. Pap. Col.* 1711–12, p. 256.

occupation of the Dutch in land defence, now yielded to the islanders undisputed maritime and therefore commercial supremacy. Further, a struggle originating in the maintenance of the balance of power in Europe became in its course markedly colonial, and determined largely the future of the British nation. Canada was now outflanked by our new acquisitions, Nova Scotia and Hudson Bay; in Europe our trade communications with the Levant were safeguarded, and in Africa the hunt for slaves received a portentous stimulus. Above all, the Empire was strengthened strategically by naval bases in the Mediterranean, the first of those far-spread links which knit together the whole. Accordingly, commerce now leaped ahead, the shipping of London being double that of Amsterdam by 1739.[1] Colonies, wilting in nearly a quarter of a century of semi-piratical strife, now filled out rapidly in the almost unbroken time of peace (1713–39); and wealth rapidly increased in Georgian England, prompting the will to break through the irksome restraints of Spain on West India trade.

Walpole, the champion of our mercantilist and colonial policy, winked at the illicit trade in the Caribbean but sought to keep at peace with Spain until the clamour of mercantile circles compelled him reluctantly to declare war (October 1739). The First Lord, Admiral Sir Charles Wager, stated in the House of Commons that England was ill prepared for it. That was true. Naval construction lagged behind that of France and Spain both in quality and quantity, and the feeble attempts to fortify some of the West Indies left them in a weak, naked and miserable condition.[2] Therefore, apart from Vernon's brilliant dash at Portobello and Anson's semi-predatory voyage in the Pacific, the British Navy cut a poor figure until Anson's influence at the Admiralty in and after 1745 gradually worked a salutary change. It was high time; for in March 1744 (a month after the indecisive battle off Toulon), France exchanged her guileful neutrality for open war; she had already pledged herself secretly to Spain by the second Family Compact to win back for her Gibraltar and Minorca, and blot out the new English colony of Georgia, Spain transferring to the French the Asiento and other trading privileges.

Thus the trade war with Spain was linked with a complicated European war, which overtaxed the activities of mid-Georgian England and the finances of Pompadour-ridden France. In 1745 the throne of George II shook under the defeats inflicted by the Maréchal de Saxe in the Netherlands and by Prince Charles in Scotland. Yet even in that dark year, when our hold on the Mediterranean and both the Indies was weakened, a well-concerted effort wrested from the French their chief stronghold and naval base in North America. On

[1] Anderson, *Origins of Commerce*, III, 224.

[2] Temperley, H. W. V., arts. in *Trans. R. Hist. Soc.* Ser. III, vol. III, and in *Annual Report of the American Hist. Assoc.* for 1911; Hertz, G. B., *Brit. Imperialism in 18th century*, pp. 1–59; *Parl. Hist.* X, 720, XI, 223–33.

Louisbourg the French had spent about £1,000,000; that fortress guarded the St Lawrence, dominated the fisheries of the Bank and the trade route to New England, besides threatening Nova Scotia, where the British barely held Annapolis against French and Indian raids. The plan of capturing Louisbourg was suggested early in 1743 by Commodore Sir Peter Warren,[1] and later by William Shirley, an English lawyer who had come to the front at Boston. Now Governor of Massachusetts, he urged the Duke of Newcastle to send naval support for a New England attack on Louisbourg, the capture of which would entail "the destruction of Canada".[2] With praiseworthy energy he succeeded in inducing the New England Assemblies to raise some 4000 troops who were led by Lieut.-General Pepperell; but he failed to stir New York and other colonies to action. Meanwhile Warren, commanding the Leeward Islands squadron, received from home discretionary powers to proceed with all available ships to Nova Scotia, and despite local protests he did so with four sail, meeting later two sent from England, the most that could be spared at that crisis. Before joining the New England force off Canso in Nova Scotia, he heard of the arrival of a strong French squadron in the West Indies, but resolved to settle with Louisbourg first. That place was sealed up by thirteen New England privateers until the whole force appeared and covered the landing in a cove two miles to the south-west. The garrison being small, ill-provisioned and half mutinous, surrender was certain unless succours came. Ten French storeships and, finally, a sail of the line with powerful succours were taken by Warren's ships. The land attacks made little impression, but on the threat of forcing the harbour, the governor surrendered (16 June)[3]. A large French squadron, sent to recover the place in 1746, was shattered by storm and decimated by plague.[4] The French squadron sent out to the West Indies did comparatively little harm.[5]

Meanwhile a rupture had occurred between the British and French East India Companies. Rivals in trade, they for financial reasons abstained from hostilities until after the arrival of decisive news from Europe. Already competition for a good naval base *en route* had produced acute tension. As a retort to the British base at Bombay, La Bourdonnais, an enterprising adventurer of St Malo, had worked hard to fortify and construct a dock at Port Louis in Île de France (now Mauritius), which became a centre of French power and commerce. After a visit to France in 1741 he returned with sealed orders in case of war. In 1742 Dupleix, formerly Governor of Chandernagore on the Hooghly, became Governor of Pondicherry and of other French settlements in India. Cherishing designs of supremacy,

[1] Richmond, H. W., *The Navy in the War of* 1739–48, II, 202.
[2] *Corresp. of Shirley*, I, 161–77.
[3] *Ibid.* I, 215–79; Richmond, II, 200–16; Wood, W., *The Great Fortress*, pp. 1–66; Beatson, R., *Naval and Mil. Memoirs* (1790), I, 260–6.
[4] Troude, *Batailles navales de la France*, I, 310.
[5] Richmond, vol. II, chap. x.

he proceeded to fortify that city, while Fort St George at Madras was almost indefensible apart from naval support. Alarmed at its weakness the English Company sought that support from home.[1] Thus, competition for a naval base and the need of naval protection helped to embroil two Companies hitherto concerned with rupees and local intrigues. In 1745 Commodore Barnett arrived off the Coromandel coast with a small squadron, which made several prizes, and was soon opposed by that of La Bourdonnais, with no decisive result. On Barnett's death, Captain Peyton took command and administered a check to the French, who withdrew under the guns of Pondicherry (June 1746). Reinforced there, they offered battle to Peyton, who, probably owing to former damages, sheered off and made for Ceylon, there hoping to guard an expected British convoy.[2] This withdrawal enabled La Bourdonnais to take on board troops and a siege-train for a long-projected attack upon Madras, which surrendered on 10 September. A subsequent attack on Cuddalore failed; but Boscawen's powerful fleet from England could not retrieve the situation in the Carnatic before news of peace arrived. Sea power had there turned the scales in favour of France. Already it was clear that victory would lie with that side which possessed the better naval base near at hand.

This advantage to France was far outweighed by her false strategy pursued in home waters. There the French and Spaniards had failed, even in 1745, to combine their fleets either for the invasion of England, the capture of Minorca and Gibraltar, or for triumph in the New World. Parcelling out their squadrons for secondary objects, they yielded the initiative to the Island Power. At Whitehall the initial failures were taken to heart, and in August 1746 Anson went to sea in command of a powerful Channel Fleet, which through the winter gales held the Channel Soundings and threatened Brest. A new spirit now animated the crews:

> The fleet was always there, tho' sometimes our poles were bare,
> All that winter the French were in a fix;
> For we always were prepared, and that was all we cared,
> When Anson ruled the fleet in '46.

The superiority of Spartan-trained crews over harbour-staled crews appeared in the two victories of Anson and Hawke in the Bay of Biscay (May, October 1747), which together led to the capture of twelve sail of the line, besides many merchantmen, and cut off the reinforcements destined for Canada and India.[3] Yet, just as Madras balanced Louisbourg, so French land power, paramount in the Netherlands, balanced British naval power. Exhaustion therefore brought both sides to negotiations for peace; for the French Finance Minister said he saw hell open before him if the war lasted; and our Cabinet quailed before the financial and military crises then

[1] Dodwell, H., *Dupleix and Clive*, pp. 6–9. [2] Richmond, III, 190–201.
[3] *Ibid.* III, 82–112; Hannay, D., *Short Hist. of Brit. Navy.* II, 124–32.

imminent.[1] From the deadlock emerged the Peace of Aix-la-Chapelle (April 1748), with its easy and obvious solution of *status quo ante bellum*, penalising alike the captors of Mons and Madras and the victors of Louisbourg and the Bay of Biscay. From this unsatisfying finale could come no finality. The clamours of French soldiers (*bête comme la paix*) and British seamen were outdone by those of New England patriots who regarded the restitution of Louisbourg to France as a bartering away of their conquest for "a petty factory in India." But the capture of Louisbourg was mainly the work of the British Navy; and to secure the Thames against invasion by restoring the Netherlands to a friendly Power (Austria) was far more important than to retain Louisbourg, which must fall at any time to a great fleet.[2] Moreover, the renewal of the Asiento treaty with Spain and the demolition of the seaward defences of Dunkirk benefited and secured British commerce; while the foundation of Halifax was soon to lessen the danger from Louisbourg privateers.

In reality the peace of 1748 was advantageous to England and was a tribute to the work of her Navy. Yet the next governors of Canada were encouraged by the recovery of Louisbourg to push on schemes for the reconquest of Acadia and the acquisition of the Ohio Valley. Hostilities became acute in those areas in 1754–5;[3] but France did not deem the war to open until Boscawen's fleet attempted with partial success to intercept French reinforcements off Cape Breton Island (June 1755). She held back during eleven months of preparation and diplomatic angling, and then suddenly struck at Minorca, which, owing to the moral cowardice of Admiral Byng, she captured (June 1756). The resulting Seven Years' War differed from the wars that had preceded it. That of 1702–13, ostensibly a dynastic struggle, was in reality waged for the restoration of the balance of power; but its issue turned largely on Mediterranean strategy, and its results in the colonial sphere were immense. The war of 1739–48, originating in trade disputes, was complicated by dynastic struggles, and its colonial results were small. The Seven Years' War (the first of our great colonial wars) originated in efforts to decide the colonial disputes left undecided in 1748, while European rivalries and hatreds served only to widen and intensify it. From the first Pitt saw clearly that the great issue was in North America; for Louis XV and la Pompadour that issue was secondary; and not until too late did the one great Frenchman of that age declare that the war in America and at sea was the true war.[4]

The new alignment of the Powers ranged Austria and Russia with France, Prussia alone with England. The Dutch and Italian States

[1] Yorke, P. C., *Life of Hardwicke*, vol. I, chap. xv; *Grenville Papers*, I, 74; Carré, H., *Hist. de France* (ed. Lavisse), VIII, 164; Broglie, Duc de, *La Paix d'Aix-la-Chapelle*, p. 160.
[2] Yorke, P. C., *Hardwicke*, vol. I, chap. xviii; Schöll, *Traités*, I, 313–16.
[3] Newcastle MSS, Brit. Mus., Add. MSS, 33028–9, ff. 102–3, 112 seqq., 144–61, 243–71.
[4] *Mém. du Duc de Choiseul*, p. 383.

remained neutral; so did Spain until January 1762. Thus, England had to cover Hanover and the west front of Prussia—a task less arduous than that of protecting Belgian, Dutch and Italian lands in 1744–8. As France and her allies met their match in Frederick the Great and Ferdinand of Brunswick, Pitt, on coming into power in June 1757, was able to throw his chief weight into maritime and colonial enterprises. Moreover, France was burdened by the expense of distant campaigns in Germany, where successes were Pyrrhic and defeats catastrophic. As the vices of the Pompadour *régime* had depleted her exchequer, she could ill support vast military and naval efforts, and, as usual, her Navy suffered first.[1]

Across the Channel the Anson *régime* made for efficiency, as was seen in the launch of that paragon of ships, the *Royal George* (100), and the general improvement in construction. In 1756 the Navy List comprised 142 sail of the line, if fifty-gun ships be included, as against eighty-two French. But, the crews being raw or scanty, the first two campaigns lagged. Pitt's scheme of a dash at Rochefort failed owing to the reluctance of General Mordaunt to land troops betimes (September 1757); and subsequent coastal operations against St Malo, Cherbourg and St Cast probably had little effect in holding French regulars to the coasts. Sailors and soldiers alike detested these raids, the importance of which the French soon discounted.[2]

The loss of Minorca has sometimes been declared beneficial because the war was to be mainly a colonial war;[3] but, by increasing the difficulty of checking the Toulon fleet, it enabled that force to initiate operations in the ocean. An example was seen in the escape of a Toulon squadron to the West Indies early in 1757, where it beat Townshend's inferior force, thereafter harrying British commerce. Finally it proceeded to Louisbourg, and there reinforced the French concentration fatal to our attempt against that place in August 1757. By this time Pitt and Anson were in office (with Hardwicke as sage counsellor);[4] but much leeway had to be made good; and up to the spring of 1758 British war efforts presented a dismal record everywhere except in India.

There, as has appeared, British successes in home waters had assured the recovery of Madras; and peace was restored by the compromise of 1754 between the two Companies. But the flame kindled in Canada, passing into Europe, now spread a conflagration in southern India. In 1756–7 it flared up in Bengal. The preparations for the defence of Fort William (Calcutta) against an expected French fleet infuriated Siraj-ud-daula, Nawab of that province, who,

[1] Waddington, R., *La Guerre de Sept Ans*, IV, 392.
[2] Chatham MSS (P.R.O.), no. 85, printed in *E.H.R.* Oct. 1913; Corbett, J., *England in the Seven Years' War*, vol. I, chaps. viii–xii.
[3] *Ibid.* I, 135.
[4] Yorke, chap. xxv.

swearing to expel the British, easily captured that place. Thus the war spread quickly from the Coromandel coast, whose harbourless expanse swept by the north-east autumnal monsoon hindered fleet action, to the vast and fertile delta of the Ganges, favourable to the exercise of sea power. Fortunately at Madras were two leaders equal to the emergency. Admiral Watson, with four sail of the line and three smaller craft, was under orders to go home; but on receipt of the black news, he decided to disobey orders and remain. Nay, more, at the request of the Madras council, he finally resolved to venture with his warships and transports into the Hooghly, conveying all the Madras troops under Clive for the recovery of Calcutta.[1]

Under the imminent menace of the arrival of a French fleet, and braving the blasts of the autumnal monsoon, the little force beat up deviously towards the Hooghly. There it rescued the survivors from Calcutta, and at Christmas 1756 neared the Nawab's forts. The ships' broadsides, aiding decisively the moves of Clive's troops on land, made short work of these defences and finally recaptured Fort William, our losses there being negligible. Far more serious was the next operation, against Chandernagore, the French stronghold upstream, which mounted some sixty guns. The defenders having partly blocked the river, the flagship *Kent* (70) was badly raked by the guns of the citadel; but the *Tiger* (60), almost alone, overpowered the defence, and the place surrendered (23 March 1757). Clive now had a sure base in case of hostilities with the Nawab, which soon reopened. For operations higher up the river the ships could not be used; but their armed boats supported his northward march, and enabled him to cross the river at Plassey and there win his dramatic triumph, thereafter covering the flank of the pursuers as far as Patna (26 July).[2] This conquest of Bengal offers the first example of a systematic and brilliantly successful co-operation of fleet (or flotilla) with army. It foreshadowed that in the St Lawrence.

Unlike the later effort of Saunders and Wolfe, the Ganges campaign was carried out under the threat of the advent of a great French fleet, which, after capturing defenceless Madras, should have bottled up Watson's fleet in the Hooghly. These chances the French lost by nine months. Sailing finally in April 1757 (still the time of lax control by Pitt's predecessors) the French fleet, after further delays, did not approach Pondicherry until 28 April 1758. Pocock, Watson's successor, awaited them near that port, for all was quiet in Bengal. With a slightly inferior force he beat them off, but could not prevent their commodore, Comte d'Aché, landing his troops. These, under General Lally, won success after success, and threatened to overrun the Carnatic. Lally's hopes of triumph were, however, dashed by the

[1] Forrest, Sir G. W., *Life of Clive*, I, 269–78.

[2] *Ibid.* vol. I, chaps. xvii–xix, vol. II, chap. i; Rose, J. H., *The Indecisiveness of Modern War and other Essays* (Essay 5).

retreat of Aché, who, after another indecisive action with Pocock, retired to Île de France for repairs. During his absence (prolonged to a year by the lack of the usual food supplies from the Hooghly) two mishaps befell the French in India. Lally's close leaguer of Madras was broken by the arrival of Captain Kempenfelt's light squadron with reinforcements and stores (16 February 1758); and French control of the Circars district was overthrown by Clive's opportune despatch from Bengal of a force under Colonel Forde, which, landing on that coast, took the enemy by surprise, and finally, with naval help, captured Masulipatam (8 April 1759). British control was thus extended over a fertile coastal district which had nourished Pondicherry.[1] Aché's reappearance off that port was brief. On 10 September 1759 with eleven ships he failed to beat Pocock's nine, and, distressed by his damages, again made for Île de France, not to return. Consequently under Eyre Coote the British troops gradually gained the upper hand, the campaign ending early in 1761 by close naval and military co-operation that ensured the capture of Pondicherry.[2] Events thus justified Clive's forecast of 7 January 1759 that our naval supremacy, if rightly used, must lead to supremacy in India.[3]

Meanwhile the vigour of Pitt and Anson had retrieved the situation in Europe and America. By degrees the covering operations in home waters (the key to the whole overseas problem) were more efficiently conducted. In February 1758 Vice-Admiral Osborn with an efficient fleet, based on Gibraltar, thwarted the efforts of La Clue and the Toulon force to pass out to Louisbourg. Another blow, struck by Hawke in April 1758 at the Rochefort convoy, for the same destination, virtually sealed the doom of the fortress. At the end of 1757, Pitt prepared a triple attack on Canada. The chief force was to sail early in 1758 against Louisbourg and thence against Quebec, the French being distracted by attacks on Montreal and their western forts. The thirteen colonies were urged to do their utmost, England supplying pay, arms and artillery. In May Boscawen mustered at Halifax twenty-three sail, eighteen frigates or sloops and 150 transports, with 11,600 regulars under General Amherst and about 3000 colonial levies. Several French warships having gone to protect Quebec, there lay at Louisbourg only six sail, seven frigates and about 3000 regulars, with as many seamen and irregulars.[4] The landing of the British through high surf in Gabarus Bay on 8 June was deemed by Colonel James Wolfe "a rash and ill-advised attempt"; but, owing to the passivity of the French main force, it succeeded. With

[1] Forrest, II, 76–84, 104–116; Cambridge, R. O., *War in India* (1750–61), 1762, pp. 256, 268–86; Beatson, II, 118–26.

[2] Cambridge, *ad fin.*; Corbett, vol. II, chap. iv; Clowes, III, 197–200.

[3] Malcolm, *Life of Clive*, II, 119.

[4] *Corresp. of Pitt with Colonial Governors*, ed. Kimball, G. S., II, 94–106; Corbett, vol. I, chaps. xv, xvi, vol. II, chap. vii.

Boscawen's close blockade the siege could have but one result; and a dashing boat attack by night on the French warships in the harbour brought about the surrender on 26 July, though too late for the projected attack on Quebec. Île St Jean (renamed Prince Edward Island) was also reduced. Pitt soon decided to dismantle Louisbourg and partly block the harbour-mouth so that thenceforth Halifax became the sole naval base in those waters.[1]

A new phase of the war opened at the end of 1758, with the advent to power at Versailles of a statesman rivalling Pitt in foresight and firmness. Like him the Duc de Choiseul resolved to snatch victory from defeat. "The war is not lost", he burst out, "nothing is lost but your heads."[2] He now resolved to concentrate on the maritime and American war much of the strength which France had devoted to the German campaigns. Instead of throttling Frederick, he would invade England, recover Louisbourg and save Canada. To this end Prince Charles would land in the Firth of Clyde with 20,000 Frenchmen, and at Edinburgh meet 10,000 Swedes (perhaps also 10,000 Russians) landed at Leith. A league of the neutrals was further to fluster the islanders and compel them to centripetal moves fatal to their world projects. On the surface the scheme looked well; for the chief neutrals, especially Spain and Sweden, chafed at the new "Rule of 1756"[3] and at high-handed seizures of ships by British privateers.[4] A general maritime league against England seeming imminent, Pitt acted cautiously, as was indeed necessary; for not until the conquest of Canada could the Navy dispense with the naval stores coming mainly from the Baltic.[5] Therefore, at his instance, Parliament forbade harsh and unjust action by the privateers (June 1759), but maintained the rule as fair and just. Above all Anson, Hardwicke and he knew that Choiseul's terrorising mechanism could not move so long as Hawke and Boscawen countered the Brest and Toulon fleets, thereby nullifying the vast apparatus of French transports and troops at Quiberon, the flotilla at Havre, Jacobite schemes, and Swedish and Russian invading armies. Anson and his compeers had not lived through the years 1745 and 1746 for naught. They saw through the landsman's bluff, and their experience now added to the sound body of naval doctrine which was to save England and her Empire in 1805 and 1914–16.

When, on 4 June 1759, Pitt assured the British ambassador at Madrid that the French plans would make no difference to His Majesty's conduct of the war,[6] a great fleet, convoying some 8500 troops under General Wolfe, was nearing the St Lawrence. Vice-

[1] Kimball, I, 260–75, 281–309, II, 250.
[2] Waddington, II, 483–5; *Mém. du Duc de Choiseul*, p. 383.
[3] *Vide infra*, p. 551.
[4] F.O., Spain, 159, Earl of Bristol to Pitt, 26 Feb. 1758; Yorke, II, 312–14; Jenkinson, C., *Conduct of Gt. Britain to Neutral Nations* (1758).
[5] Albion, R. G., *Forests and Sea Power*, chaps. iv, vi.
[6] F.O., Spain, 160, Pitt to Earl of Bristol, 4 June 1759.

Admiral Saunders, skilfully threading the dreaded *Traverse*, anchored off Île d'Orleans, below Quebec, and on 27 June began to land the troops. His twenty-two sail of line, five frigates and sixteen sloops at once dominated the lower river; but Montcalm mustered at Quebec and on the Beauport cliffs some 4000 regulars, 11,000 Canadian militia, and seamen from the French light craft withdrawn far upstream. Besides, owing to an inadequate watch kept on the estuary he had received stores from France. Wolfe's task therefore seemed impossible. His chief hope was that Amherst, who with the main force had gone to Lake George to repair the disaster at Ticonderoga in July 1758, would now drive the French down the Richelieu River and threaten Montreal. Amherst, however, could not keep troth until a year later. There remained the fleet and flotilla, which, operating on a great tidal river, could endow Wolfe's scanty numbers with mobility and power of sudden attack.

Yet only by degrees were these advantages utilised to the full. In order to safeguard the ships when lying in the best berth, Quebec Basin, troops were landed on the south shore and soon occupied and fortified Pointe Lévis, opposite Quebec. Under cover of the new batteries light craft began on 18 July to pass above Quebec and harass Montcalm's communications.[1] Nevertheless on the 31st Wolfe attacked the French left flank resting on the Montmorency River, where the ships could not help him effectively, and suffered a sharp reverse. Thereafter he fell ill and was discouraged at hearing from the upstream flotilla no news of Amherst. Still, that flotilla, under Rear-Admiral Holmes, was at work, thinning out, luring to and fro, and wearying the French forces, so that Wolfe's three brigadiers finally brought him to the resolve (previously considered and rejected) to transport the troops and attack the city from above. This he did early in September, and, modifying their plan of a landing above Cap Rouge, he prepared to land before dawn of 13 September at a cove only two miles above Quebec.[2] Holmes skilfully carried out this operation, which he termed "the most hazardous and difficult I was ever engaged in".[3] The troops, 4800 strong, began to ascend the gulley, surprised the guard, and formed on the Heights of Abraham before Bougainville with a watching force of 2100 men upstream knew what was happening; and his men and his horses were too wearied by marching to menace the British rear (or perhaps were lured away by Holmes's boats running up with the tide).[4] Below the city the fleet paralysed the defence; for, early on the 13th, Saunders with the heavy ships began to threaten a landing in force below Quebec, thereby holding back at Beauport French troops that should have turned the scales of war on the Heights. Wolfe, at the

[1] Kimball, II, 150–2; Wood, W., *Logs of the Conquest of Canada*, pp. 238–40.

[2] Kimball, II, 151, 157; Doughty, A., *Siege of Quebec*, vol. II, chaps. xii, i; Mahon, *Life of General Murray*, pp. 140–60; Waddington, III, 310–33.

[3] Wood, W., *Logs*, p. 158.

[4] Doughty, III, 96, 107.

hour of death, gained a glorious success, soon to be followed by the surrender of the city. Essentially, the triumph was due to the loyal co-operation of Navy and Army. Indeed military historians admit that the "credit for the fall of Quebec belongs rather to the Navy than to the Army",[1] and "the strategic issue of the entire campaign, and of the battle itself, depended on the Navy".[2]

Successes overseas availed little unless clinched by triumph in Europe. This was assured in 1759 by the victories of Minden (1 August), Lagos (19 August) and Quiberon (20 November). The two last were the only tangible results of Choiseul's invasion schemes; for he ordered out the Toulon fleet to start them and the Brest fleet to complete them. Boscawen, completing his refit at Gibraltar, was warned by his outlook frigate of the approach of twelve French sail from the east. Hurrying out, he caught them next day scattered, and in a running fight to Lagos captured three sail and drove two ashore. The rest, after sheltering in Cadiz, finally crept back to Toulon. Undaunted, Choiseul ordered out the Brest fleet. "Sweden is waiting for us", he wrote, "I fear she will not wait long." With a foreboding of disaster, Admiral Conflans put out while Hawke was driven off by a gale; but the latter, flying back from Torbay, sighted the enemy off Quiberon; and a wild chase into the bay ended at nightfall in the destruction or disabling of half the French fleet (20 November).[3]

Such was the news which greeted the new Spanish monarch, Charles III, after his arrival from Naples at Madrid. On hearing of the fall of Quebec, he had felt gloomy forebodings, and resolved to offer his mediation for re-establishing the balance of power in North America. Quiberon shattered that resolve and strengthened Pitt's resolve to reject any such mediation. Charles, accepting the rebuff, pressed on naval construction.[4] Pitt and Anson met his efforts by redoubled efforts. Thus in and after 1760 British fleets surveyed not only Brest and Toulon, but also Rochefort, thereby starving all French attempts to relieve Canada, the Carnatic and the West Indies.[5] The results were successively the loss of Montreal, Pondicherry, Dominica, Martinique and St Lucia.

After the fall of Montcalm, most of his troops fled from Quebec towards Three Rivers near which were three French frigates well guarded. With these and transports General de Lévis in April 1760 sailed downstream, and, in the absence of a covering fleet, defeated General Murray's depleted British garrison. Quebec would probably have fallen but for the opportune arrival of British warships from Halifax (9–15 May). These soon disposed of the three frigates, where-

[1] Fortescue, J. W., *Hist. of the British Army*, II, 387.
[2] Wood, W., *Fight for Canada*, p. 263.
[3] Corbett, vol. II, chap. i; Callender, pp. 164–5; Beatson, II, 400–22.
[4] F.O., Spain, 160, 161, Bristol to Pitt, 10 Dec. 1759, Jan.–Feb. 1760; Bourguet, *Choiseul et l'Alliance espagnole*, pp. 64–94.
[5] *Grenville Papers*, I, 349.

upon Murray with reinforcements proceeded up the river, compelling Lévis "to abandon all the [military] frontiers", and fall back on Montreal. On that island converged also the main force of Amherst from the south-west and Havilland's column from the south. The British flotilla facilitated landings of this overwhelming force to which Governor Vaudreuil and about 2400 regulars at once surrendered, thus ending French rule in Canada (8 September 1760).[1]

Despite the accession of the more pacific George III (October 1760), Pitt now resumed his former plan of reducing the French West Indies as the readiest means of forcing on a satisfactory peace. Guadeloupe having fallen in 1759, he now ordered the victors of Canada to take ship at New York and attack the "neutral" isles of Dominica and St Lucia, and thereafter Martinique.[2] Admiral Sir James Douglas and Lord Rollo easily succeeded in capturing the two first. The reduction of Martinique was postponed owing to the diversion of large forces against Belleisle. The two expeditions were connected; for Pitt had resolved that at the ensuing peace negotiations Martinique or Belleisle (preferably the latter) should serve as a pledge for recovering Minorca. After a stubborn defence Belleisle fell to Captain Keppel's squadron and a landing force in June 1761, an event highly injurious to the commerce and the pride of France.[3] Still, Choiseul struggled on, breaking off peace negotiations in September 1761 because Pitt demanded St Lucia and the exclusion of the French from the Newfoundland fishery.[4] Choiseul (equally intent on naval interests) now hoped by the (third) Family Compact with Spain to bring in that Power and distract British efforts by a Franco-Spanish attack on our ally, Portugal, while, at the worst, "the losses of Spain might lighten those which France might incur".[5] Pitt, suspecting some such design, urged open war with Spain; but George III replaced him by Bute, who, however, carried on the naval part of Pitt's war policy, especially against Martinique. Accordingly, Rear-Admiral Rodney's squadron sailed in October to reinforce that of Sir James Douglas. The combined British forces overpowered the French posts in succession and on 10 February 1762 captured Fort Royal. The fall of St Lucia and Grenada soon followed. These successes resulted from the naval triumphs of 1759, which enabled our squadrons in 1760–61 to seal up the French Biscay ports and prevent succours sailing even from Rochefort or La Rochelle to the West or East Indies.[6]

By the year 1762 the British Navy could easily cope with those of

[1] *Capt. Knox's Journal*, ed. Doughty, II, 484–6; Kimball, II, 305–41; Wood, W., *The Fight for Canada*, chap. x; Wrong, E. M., *The Fall of Canada*, pp. 165–79, 206–25.

[2] Kimball, II, 384, 408, 425, 454, 458.

[3] F.O., Spain, 163, Bristol to Pitt, 29 June 1761.

[4] F.O., France, 252, Pitt to Stanley, 26 June, 25 July, 27 Aug., 15 Sept., 1761; Stanley to Pitt, 4, 6, 18, 26 Aug., 4, 19 Sept. 1761; Bussy to Pitt, 10 Aug. 1761.

[5] *Mémes. de Choiseul*, p. 387; Renaut, F., *Pacte de Famille et l'Amérique*, chap. i.

[6] *Grenville Papers*, I, 349.

France and Spain combined; and when the rupture occurred the latter fared ill, the reduction of Havana and Manila in that summer being the heaviest blows yet dealt her in the New World. Even Charles III felt the need of an accommodation, in accord with the Spanish proverb—"War with all the world, but peace with England". A last effort of Choiseul to seize Newfoundland met with only a passing success, the captors of St John's soon being captured by a squadron under Lord Colville (September 1762). The need for peace in France became imperative. It led to the Peace of Paris.

On the contrary England's naval supremacy enabled her commerce to increase rapidly during this war, especially with the North American Colonies. Her exports thither in 1744–48 had risen from £640,000 to £830,000; but in 1754–58 they rose from £1,246,000 to £1,832,000. Those to the West Indies in 1744–48 declined from £796,000 to £734,000; but in 1754–58 rose from £685,000 to £877,000. The increases were equally remarkable in 1759–62, and enabled the Government to spend larger sums on the Navy. Thus, whereas Choiseul in 1759 had hoped to exhaust England, he found France much more exhausted; and when, during the first peace discussions at Paris in June 1761, he stated that after all the longest purse would win the war, our diplomat, Hans Stanley, retorted that, however doubtful the issue in Germany, yet "a maritime war, with expeditions against the French colonies, lays within (*sic*) 6 or 7 millions per annum, which Great Britain, fed with your trade and her own, together with that of many neutral nations... can for many years support".[1] The forecast was just; for Great Britain ended the struggle with undisputed supremacy at sea.

As happened after other victorious wars, keen interest was now taken in the discovery of new lands. Curiosity centred chiefly in the unveiling of the mysterious *Terra Australis incognita*, and after the Peace of Paris the Admiralty despatched Commodore Byron to the South Sea. On his way he annexed the Falkland Islands, but in the South Sea discovered nothing. More successful was Captain Wallis, R.N., who in 1767 sighted and stayed long at Tahiti, which he named George III Island. Spain meanwhile had fortified Juan Fernandez, the usual place of call after Cape Horn—a sign that she intended to keep her Pacific preserve closed. France however now pressed in, sending her great sailor Bougainville. He touched at the Falklands and Tahiti, then discovered the Samoan, New Hebrides and Solomon groups, thence sailing for Batavia, and finally reaching St Malo in March 1769. News of French activities in the Pacific spurred on the Admiralty to solve the mystery of the legendary Southern Continent; and it resolved to act with the Royal Society which was about to send an expedition to Tahiti to observe the transit of Venus. Selecting Lieutenant James Cook, R.N., and the Whitby-built barque

[1] F.O., France, 251, Stanley to Pitt, 12 June 1761.

Endeavour, it issued to him secret instructions (dated 30 July 1768) which have lately been published. After fulfilling his duty at Tahiti, he will "proceed to the southward in order to make discovery of the Continent above mentioned until you arrive in the latitude of 40°", and if he fails to find it, he is to sail westwards between lat. 40° and lat. 35° "until you discover it or fall in with the eastern side of the land discovered by Tasman and now called New Zealand....You are also with the consent of the natives to take possession of convenient situations in the country in the name of the King of Great Britain; or, if you find the country uninhabited, take possession for His Majesty by setting up proper marks and inscriptions, as first discoverers and possessors". Finally, he will thoroughly explore the coast of New Zealand, will annex other islands "that have not hitherto been discovered by any Europeans", enjoining secrecy on the crew as to his discoveries until permission is given to divulge them.[1]

These instructions were signed by Hawke, Peircy Brett and C. Spencer. Brett had served as lieutenant under Anson in H.M.S. *Centurion* in her famous circumnavigation and probably was the directing spirit prompting our Pacific enterprises of 1764–79, which prepared the way for Britain's new colonial Empire in the very years when the Old Empire was slipping away. Thus Anson's voyage was destined to lead on to efforts aiming primarily at the discovery of the great Southern Continent which was believed to balance the Northern Continents. This, not New Zealand or New Holland, was Cook's chief objective. After demonstrating the feasibility of the voyage round Cape Horn and thus completing the work of Drake, he performed his duties at Tahiti and then sailed far to the south without success. Then he sighted, thoroughly explored and finally annexed New Zealand, and later (22 August 1770) the east coast of New Holland, which he was sure the Dutch had not visited.[2] Again, in his second voyage (1772–5), the elusive continent foiled even his dogged perseverance. The chief object of the third voyage (1776–9) was to find the equally elusive North-West Passage from the Pacific coast, and after baffling many stout voyagers from Drake and Frobisher onwards, it baffled even Cook. Nevertheless, before his lamented death in Hawaii, he had prepared the way for the Nootka Sound trade, and had secured for his country prior claims to New Zealand and Australia.[3]

Thus, in peace as in war, Great Britain had now won a decided naval supremacy, which brought with it possibilities of expansion in the west, east and south. Her rise to supremacy had been rapid.

[1] Admiralty, 2/1332 (Secret Orders), printed in the *Naval Miscellany* (N.R.S.), III, 343–64.
[2] *The Journal of Capt. Cook* (ed. Wharton, W. J L., 1893), p. 312.
[3] For details see vol. VII, chap. II.

Scarcely able in 1690, even with powerful help from the Dutch, to fend off a French invasion in force, she had at first to play a waiting game, striking hard in 1692 when occasion offered. Then she bided her time while the French *guerre de course* gradually demoralised that navy. In this war, as in that of 1702–13, Louis XIV dissipated his resources on land; William and Anne used their armies wisely and sparingly, but steadily built up their navies. Thus, by 1713, England had gained a clear superiority in force and in strategic position, which enabled her to surpass the Dutch in the carrying trade. The merchant service proved an invaluable reserve for the Royal Navy when war came; and this advantage carried her on the whole successfully through the tortuous shifts of the next struggle (1739–48); but not until the genius of Pitt roused her spirit and guided her policy did she gain a marked superiority over her chief rival.

Commerce, the vital sap of the Empire, registered the increasing efficiency of naval protection, as appears from the tonnage of British ships cleared outwards in the following years—in 1688, 190,000; 1697, 144,000; 1701, 273,000; 1738, 476,000; 1755, 451,000; 1763, 561,000; 1777, 736,000.[1] Thus, while the Navy was comparatively weak, commerce declined during war: but in that of 1702–13 it increased by one-fifth and in the Seven Years' War by one-fourth, thereafter rising by leaps and bounds. These statistics also illustrate the growth of the Empire. In 1689–97 it was almost nil; in 1702–13 the accessions were Gibraltar, Minorca, Nova Scotia and Hudson Bay. As the naval successes of the third war only balanced the military failures, the result was little better than stalemate. The combined naval and military triumphs of the Seven Years' War brought acquisitions unexampled both for extent and solidity. By unique good fortune, they occurred just before the vast accession to human energies due to the Industrial Revolution. In these facts lies the secret of the rapid growth and astounding vitality of the Old Empire.

[1] Cunningham, W., *Growth of English Industry*, II, 696.

CHAPTER XIX

THE GROWTH OF INTERNATIONAL LAW. MARITIME RIGHTS AND COLONIAL TITLES 1648–1763

THE Peace of Westphalia, 1648, may be described as the door leading from the Middle Ages to the modern world. It terminated the wars which for thirty years had been ravaging Europe and placed all independent States whether Protestant or Catholic upon a footing of equality. It formed the basis of the treaty law of Europe for the next century, and though there were important changes in the political geography of Europe, there were but few that sprang from the divisions resulting from the acceptance of the doctrines of the Reformation.

The period from 1648 to 1763 is of vital importance in the growth of the British Empire, it is also a period in which international law, especially that relating to maritime affairs, was developing. The struggle for the freedom of the seas continued, and England and other European States still had difficulties with Spain who endeavoured to keep the vast riches of her American possessions for herself, and to prohibit other States from trade with them. The influence of sea power on history and on law is strikingly emphasised during this period, and English policy had important effects on the rules of international maritime intercourse. In sea warfare especially, rules of international law, which were to receive more definite shape in later days, were being formed, and in the process the influence of British policy and British Prize Courts was very powerful. Though some British practices called forth strong neutral protests, the foundations were being laid of those rules regarding enemy property and neutral rights which were developed and applied by great judges during the wars of the Napoleonic era when Great Britain's second colonial Empire was won.

The rivalry of the Dutch, and their growing reluctance to render any respect to the English flag, precipitated the First Dutch War in 1652. Both republics, the English Commonwealth and the States-General of Holland, were sensitive as to their dignity, but the former was more insistent and effective than Charles I had been in asserting sovereignty over the English seas. Van Tromp, the Dutch Admiral, was left without definite instructions from his Government in relation to the salute to the flag, but he was ordered to prevent Dutch vessels from being visited and searched by English ships in the narrow seas. Having met a Dutch vessel which reported that a Dutch convoy had been recently attacked for not striking their flags and that homeward bound vessels with valuable cargoes had been captured, he turned

his squadron towards the English coast. He met Admiral Blake with his fleet, and the latter fired a gun across Tromp's bows to make him strike his flag. Thereupon a fight ensued in which Tromp was defeated and withdrew with a loss of two vessels.[1] The First Dutch War was the result of this encounter. As has often been the case the actual cause of the war was not the immediate incident which led to its outbreak. The real cause was commercial rivalry.

The war continued with varying fortunes and fierce battles for two years, and in its course attacks were made on Holland's most vulnerable and most valuable possessions, its commerce and fishing. The English Parliament meantime reasserted and popularised the claim to the sovereignty of the seas by publishing an English translation of Selden's *Mare Clausum*. Holland was not behind in the revival of the controversy, and books appeared there assailing the English claims. Dutch commerce, the life-blood of the nation, found the English fleet across its path. Negotiations were opened for a settlement and finally the Dutch agreed, in 1654, to render homage to any English warship in the narrow seas. Cromwell gained but little by this war; the Dutch maintained their rights of fishery on the British coasts while their agreement as to the striking of the flag conceded nothing more than they had already done in the past, and could not be taken as an acknowledgment of England's sovereignty of the seas.

Under Charles II the pretensions to the sovereignty of the seas were maintained, the wars of 1664 and 1672 ensued, and in the peace of 1674 Holland was compelled to "honour" the King's flag from Cape Finisterre to Van Staten in Norway but still without acknowledging his sovereignty over the seas. This claim of Britain was losing its importance, and Holland's commercial rivalry was diminishing, but instructions ordering the enforcement of the salute continued to be issued and enforced.[2] Circumstances were changing and the freedom of commerce in peace time on the sea was progressing in Europe. Claims over straits persisted much longer; thus Danish claims to levy tolls in the Sound continued till the middle of the nineteenth century and the Dardanelles and Bosphorus have remained subject to important restrictions until modern times.

By the end of the seventeenth century English claims to jurisdiction over large portions of the sea were becoming less rigorous. States were moving in the direction of fixing definite limits over the portions of the sea adjacent to their territories. Holland, which had fought English pretensions, was equally vigorous in repelling the claims of Denmark over the northern and Arctic seas, but by the end of the seventeenth century Denmark also began to fix limits to the areas in which she claimed exclusive jurisdiction.[3]

[1] Fulton, T. W., *The Sovereignty of the Sea*, pp. 770, 771.
[2] Marsden, R. G., *Law and Custom of the Sea*, II, 86, 165.
[3] Fulton, p. 528.

Grotius, writing in 1625, had put forward the view that "the empire of a portion of the sea is, it would seem, acquired in the same way as other lordship; that is, as above stated, as belonging to a person, or as belonging to a territory; belonging to a person, when he has a fleet which commands that part of the sea; belonging to a territory, in so far as those who sail in that part of the sea can be compelled from the shore as if they were on land".[1] But this doctrine had, at first, little influence on the practice of States in the seventeenth century, nor was it adopted by jurists. States asserted their rights to inviolability of their territory when they were neutral, and for the purpose of better defining them they issued proclamations warning belligerents not to engage in hostilities within certain vaguely described areas around their coasts. James I issued, in 1604, a proclamation forbidding belligerent acts within any places in his dominions or "so near to any of our said ports and havens as may be reasonably construed to be within that title, limit or precinct". He further defined the lines of neutrality at sea as "a straight line drawn from one point to another within the realm of England". The areas so enclosed by lines drawn from headland to headland round the coasts were called the "King's Chambers" and tables and charts showing their positions were prepared under the direction of Trinity House.[2] Proclamations in similar terms made by Charles II in 1668 and 1683 vaguely specified maritime areas adjacent to the English shores within which hostilities were prohibited, and the decisions of the English Admiralty Court restricted jurisdiction to their terms. Vessels captured within the "place or tract at sea that may be reasonably construed to be within any of these denominations, limits or precincts" outside the limits of the King's Chambers were restored to the owners "if they came within the jurisdiction of the King's Court".[3] These decisions, which were in contrast with previous English claims, were of importance as showing the direction in which opinion was moving. One of the chief reasons for the recognition by England of greater freedom of navigation even on the seas surrounding the British Islands must be found in her increasing commerce. The greater that became, the more irksome all restrictions on the free navigation of the high seas were felt to be until ultimately they were abandoned, leaving only a shadowy claim to the salute of the flag. Holland had led the way, England and nearly all other maritime States were now prepared to follow. Grotius's "natural law" doctrine on the subject of freedom of intercourse was beginning to bear fruit, and another Dutchman, Cornelius van Bynkershoek, in 1703,[4] and 1737,[5] turned his attention to the delimitation of the maritime areas adjacent to the territories of States over which, for

[1] *De jure belli ac pacis* (tr. Whewell), lib. II, cap. iii, s. xiii, 2.
[2] Fulton, pp. 120, 553.
[3] Wynne, W., *Life of Sir Leoline Jenkins*, II, 727, 732, 755, 780, 783.
[4] *De Dominio Maris.* [5] *Quaestiones juris publici.*

purposes of defence, fishing and revenue, protection was required. Bartolus, an Italian jurist who died in 1357, declared that a State's jurisdiction extended to 100 miles from the coast,[1] while Baldus Ubaldus, who died in 1400, while limiting the extent to sixty miles, or one day's journey, included sovereignty as well as jurisdiction among the rights of the neighbouring prince.[2] Grotius had enunciated the principle of control over such waters so far as it could be exercised from the land,[3] and Bynkershoek applied it to the use of artillery: *Quare omnino videtur rectius, eo potestatem terrae extendi, quousque tormenta exploduntur, extenus quippe cum imperare, tum possidere videmur*;[4] *Imperium terrae finitur ubi armorum potestas.*[5] The practice regulating the salute of a vessel coming within range of a battery on a foreign coast had prepared the way for the acceptance of the doctrine of cannon-range; it was the rule in England that "the sea should salute the land", and the range of guns determined the limit within which the salute ought to be rendered. Thus it was largely through English action regarding the salute that the acceptance of cannon-range limit was facilitated.[6] The same limit had for a long time been accepted in connection with visit and search at sea, and many treaties stipulated that the visiting warship should not approach nearer than within cannon-shot and should stay there while a boat was sent for the purpose of examining the merchant ship. Bynkershoek's views were by no means immediately adopted by States, though subsequent writers generally followed them. Vattel, whose *Droit des gens*, published in 1759, exercised a great influence on international law for a century, contended that a nation might acquire exclusive right to navigation and fishery in certain tracts of the sea by treaties, and he did not limit the area to that which might be protected from shore. As regards neutrality, he adopted the cannon-shot principle. The fixing of a definite limit as the range of cannon-shot at one marine league, or three sea miles, appears to be due to an Italian jurist, Galiani, in 1782, though King Adolf Frederik of Sweden had asserted the three mile limit in connection with the restriction of privateering off the coast of Sweden as early as 1758.[7] So during the period under examination the practice of States bore witness to the diminishing claims to sovereignty over large areas of the ocean; Admiralty Courts were recognising limited areas in which their jurisdiction was exercisable in relation to neutrality, and national ordinances were beginning to be issued recognising the marine league as the extent of neutral waters.[8]

England's claim to trade with the Spanish colonies in the West

[1] Fenn, P. T., *The origin of the right of fishery in territorial waters.*
[2] Fulton, pp. 539, 540.
[3] *De jure belli ac pacis*, lib. II, cap. iii, s. xiii, 2.
[4] *De Dom. Maris*, cap. ii.
[5] *Quaestiones*, lib. I, cap. viii.
[6] Fulton, p. 557.
[7] Jessup, P. C., *The law of territorial waters*, pp. 6, 36; Rœstad, A., *La mer territoriale*, p. 132.
[8] Fulton, p. 568.

Indies continued to be pressed during this period. There was constant fighting against Spanish ships and forts and this was encouraged by the issue of letters of marque to privateers who were instructed to force trade on the Spaniard. From instructions issued by Charles II in 1662 we can see how and why this was to be done, since the Spaniards "were engrossing to themselves the riches of the Indies contrary to the use and custom of all governments and the laws of nations".[1] France was similarly engaged in endeavouring to obtain freedom of commerce and in 1701 received from Spain the monopoly of the supply of slaves or Asiento.[2] By the Peace of Utrecht, 1713, this privilege was transferred to an English company.[3] In passing judgment on the claims of Great Britain to trade freely in the Spanish colonies it is well to recall that the policy of Spain was not dissimilar from that of other European Powers at the time, including England, whose Navigation Acts were passed with the object of retaining her colonial trade. "C'est encore une loi fondamentale de l'Europe, que tout commerce avec une colonie étrangère est regardé comme un pur monopole."[4] After the secession of the American colonies Great Britain found herself in much the same position as Spain had been, as the Americans continued to claim the rights to trade with British colonies which they had enjoyed before the War of Independence.

The disputes with the Dutch over the fisheries in the North Sea and off the British coasts gradually died down, and in the eighteenth century, largely owing to the wars in which Holland was engaged, the Dutch fishing fleets diminished while those of Great Britain increased till they have become to-day larger than those of all the other States combined.

Interest in fishing rights was removed to North America. Disputes were raised between England and France in the latter part of the seventeenth century, and, by a treaty of 16 November 1686 between James II and Louis XIV called "A Treaty of Peace, Good correspondence and Neutrality in America", British and French subjects were required to abstain from fishing or trading "in the havens, bays, creeks, roads, shoals or places" belonging to the other, though the freedom of innocent navigation was not to be disturbed. There was an attempt at definition of boundaries, which though vague in terms corresponded to the principles applicable to neutral waters laid down in the English proclamations of 1668 and 1683, in which the definition was "within our ports, havens, roads and creeks, as also in every other place or tract at sea that may be reasonably construed to be within any of these denominations, limits or precincts".[5] By the same treaty French subjects received permission to fish for turtles in the islands of Cayman.

[1] Marsden, R. G., II, 41.
[2] Dumont, *Corps diplomatique*, VIII, i, 83.
[3] See chapter XI.
[4] Montesquieu, *Esprit des Lois*, bk XXI, chap. XXI.
[5] Fulton, p. 553.

The beginning of grants of fishing off the coasts of North America is found in the Treaty of Utrecht, whose interpretation and operation were the sources of fruitful dispute until the Anglo-French settlement in 1904. By this treaty, which ceded Nova Scotia and Newfoundland to Great Britain, French subjects obtained the right to fish in the seas, bays and other places to thirty leagues from the south-east coast of Nova Scotia and to have certain privileges as to landing and drying fish.[1] By the Treaty of Paris, 1763, these rights were reaffirmed, though Canada and Cape Breton Island were ceded to Great Britain. In addition the right of fishing was also granted to French subjects in the Gulf of St Lawrence on condition that they did "not exercise the said fishery, except at a distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situate in the said Gulf of St Lawrence". The Islands of St Pierre and Miquelon were ceded to France for the use of the French fishermen.[2] The grant of rights of this nature both to the French and subsequently to the Americans in 1783 is quite exceptional, and can only be explained by the peculiarity of the circumstances in each case. The British Government successfully contended before the Hague Tribunal in 1910, in the North Atlantic Fisheries Arbitration, that the claim of a State for its citizens to fish in the territorial waters of another can rest only on a special agreement. Its further contention that, on the separation of one State from another, the inhabitants of the former cannot continue to be entitled to exercise rights formerly enjoyed by them was also upheld by the Award.[3] It must be remembered that at the time of the grants both to France and to the United States the limits of territorial waters had not been settled.

The struggle between the English and French in North America ended with the termination of the Seven Years' War and the final expulsion of the French power from Canada in 1763. Disputes as to boundaries, as to interpretation of treaties, and the absence of the observance of such rules of international law as were gradually emerging in Europe in relation to the laws of war, appear to be the chief characteristics of this important fight for predominance on the North American continent.

French settlements in Canada in the middle of the seventeenth century had made but slow advance. This was partly due to the methods of colonisation which were largely based on military principles, partly to the rigours of the winter climate and partly to the hostility of the Indian nations under the leadership of the Iroquois. But from 1669 onward the French spirit of enterprise was brilliantly exemplified in the expedition of La Salle, who finally navigated the

[1] Dumont, VIII, i, 341.
[2] Martens, *Recueil*, I, 109.
[3] Wilson, G. G., *The Hague Arbitration Treaties*, pp. 134–205.

Illinois River and thence the Mississippi to its mouth in 1682. He took possession of the country from the Ohio to the sea and Rio Grande and named it Louisiana after his king, Louis XIV. He based his title to this great expanse of territory on discovery, claiming to have been the first European to have ascended or descended the Mississippi, being ignorant, apparently, of earlier Spanish explorations.[1] The territory between the Mississippi and the Ohio, which extended eastwards to the fringe of the English settlements on the coast, was inhabited by large and important tribes of Indians, particularly in the region from the mountains of western New England to Lake Erie. The league of the Iroquois, or the Five Nations, was the key to this position, and so long as they were unsubdued the effective possession of the region north of the Potomac and the Ohio and east of the Mississippi could not be attributed to either English or French. In the main the Iroquois sided with the Dutch and the English against the French and after the cession of the Dutch settlements to England by the Treaty of Breda, 1667, they formed a useful barrier to the French claims. This was strengthened in 1684, when, after a conference with the Five Nations, they acknowledged themselves as subjects of England, and the arms of the Duke of York were placed on the walls of the Iroquois fortified towns.[2] French claims to sovereignty over the areas in which these tribes lived were no longer tenable after effective possession had been taken.

The legal position of the Indian tribes has in modern times received a considerable amount of attention, as numerous cases involving their status have come before the courts of the United States. In the early days, however, proprietary and sovereign rights were never clearly differentiated, and, although Spanish publicists[3] at the time of the conquest of America upheld the claims of the Indians and condemned the treatment they were receiving at the hands of their conquerors, European nations continued to assert rights acquired by discovery against the rest of the world, but they made treaties from time to time with the Indian nations inhabiting the lands in the territories which they claimed. In all the territories in North America which were included in the earliest charters to colonisers the soil was occupied by Indians. In many cases the colonists purchased their lands from the Indians, and protected them in the possession of those which were left in their occupation. Penn's treaty in 1681 was a remarkable example of such a purchase. The general position of the Indian tribes was regarded by England in much the same way as at a later date the United States regarded their relation to these nations, namely, as domestic dependent nations; the relationship being analogous to that of guardian and ward.[4] The general

[1] See Channing, E., *History of U.S.* vol. II, chap. v.
[2] *Ibid.* p. 146.
[3] E.g. Bishop Las Casas. See Helps, Sir Arthur, *The Spanish Conquest of America.*
[4] *The Cherokee Nation v. The State of Georgia*, 5 Peters, 1.

position was set forth by Chief Justice Marshall, delivering the opinion of the Supreme Court of the United States in the case of *Johnson and Graham's Lessees v. McIntosh*, in 1822: "The relations which were to exist between the discoverers and the natives were to be regulated by themselves. The rights thus acquired being exclusive, no other power could interpose between them.... Their rights to complete sovereignty as independent nations were necessarily diminished, and their power to dispose of the soil at their own will to whomsoever they pleased was denied by the original fundamental principle that discovery gave exclusive title to those who made it."[1] Throughout this period, down to the War of Independence, the British Government did not interfere with the internal affairs of the Indian tribes, except where it was necessary to keep out the agents of foreign Powers who were attempting to seduce them from their allegiance. Their alliance and dependence were purchased by subsidies, and the Indian nations were considered as nations who had come under the protection of the British Crown.[2] The Indian tribe, as a nation, was considered as a legal unit, and, before the Revolution, all the lands of the Six Nations in New York had been put under the Crown as "appendant to the Colony of New York", and that colony had dealt with those tribes exclusively as under its protection.[3]

Meantime the northerly and to some extent the westerly expansion of French Canada was checked by the establishment under a charter of Charles II in 1670 of the Hudson's Bay Company. The area south of Hudson Bay was approached by a line of communication between Lake Superior and Hudson Bay, and a voyage from London to Hudson Bay was successfully made by a company of traders in 1668. Englishmen thus secured a footing on the southern and western shores of this great inland sea with a series of trading stations from Lake Superior northwards. Annexation under the charter and settlement by the traders, the two essentials now recognised by international law as giving a valid title by occupation, were thus combined. This possession was soon disputed, and the French under the energetic D'Iberville were able to oust the English traders, until by the Treaty of Utrecht, 1713 (Art. x), France restored to Great Britain and recognised her sovereignty over Hudson Bay and Strait with all dependent lands, seas, banks, rivers and places. Territory then in French possession was to be restored together with all forts, artillery and ammunition. The boundary between the English and French possessions was to be settled by a joint commission.

[1] 8 Wheaton, *Reports*, 543, 573, 574. [2] Wheaton, H., *International Law*, § 38.

[3] The case of the Cayuga Indian claims before the American and British Claims Arbitration Tribunal, 1926 (*American Journal of International Law*, xx, 574); see also Halleck, H. W., *International Law*, 4th edn, I, 80; Lindley, M. F., *The Acquisition and Government of Backward Territory*, chaps. xxxvi and xxxvii; Moore, J. B., *Digest of International Law*, vol. I, § 15; Snow, A. H., *The question of aborigines in the law and practice of nations*; Westlake, J., *Collected Papers*, chap. ix.

Great areas were still uninhabited and undiscovered by white men, and the only test which could be applied to claims to sovereignty was that of effective possession. The French did not penetrate the Appalachian range of mountains which formed a natural boundary for the English settlements. But from New Orleans to the southern shores of Lakes Michigan, Erie and Ontario the French had isolated forts on the great rivers. It was the obvious aim of France to confine the English colonists to the east of the mountainous ranges extending in a north-easterly direction from the higher reaches of the Alabama to Lake Champlain, and France was slowly making good her claim by occupation to the whole basin of the Mississippi.

During a period of nominal peace in Europe between England and France the struggle continued with varying fortunes on the American continent. It was felt, as Benjamin Franklin said, that there could be no peace in the thirteen colonies so long as France was mistress of Canada. French forts were erected on debatable ground and there was constant friction, and open fighting on various portions of the frontiers. Meantime a boundary commission had been set up in 1750 by the two governments to delimit the frontiers between British and French territory in North America and to settle the question of the ownership of the islands of St Vincent, Tobago and St Lucia. Nothing of practical value resulted from their labours and in 1754 the governments entered into direct negotiations on the boundary question.

The line between peace and war was still very undefined as it had been in the time of the struggle between England and Spain in the sixteenth century. Acts of violence took place at sea between States before any formal declaration or breach of diplomatic relations, though these sometimes followed. General reprisals, indistinguishable from war in practice, were frequently decreed for wrongs or alleged wrongs, though a state of war was not desired.[1] The destruction by Sir George Byng (afterwards Lord Torrington) of the Spanish fleet off Cape Passaro in Sicily in August 1718 occurred under peculiar circumstances, Great Britain and Spain being at the time at peace (war was not formally declared until the following December). The proposed modifications of the Treaty of Utrecht (elsewhere explained) were hateful to the King of Spain, who to prevent Sicily from being transferred to the Emperor prepared to attack it. Sir George Byng was British Commander-in-Chief in the Mediterranean with general instructions to prevent Spain from interfering with the arrangements which had been made by the Powers of the Quadruple Alliance. In July the Spaniards had landed in Sicily and taken the whole of the island except Messina. Byng wrote to the Spanish commander, the Marquis de Lede, proposing a suspension of arms for two months. This was refused. Byng went in search of the Spanish

[1] Marsden, R. G., II, 273, 279, 283.

fleet, which was sighted off Cape Passaro. A Spanish ship opened fire on the British fleet, which then bore down on the Spaniards and "made an end of them" (11 August). Very few escaped. Spain at once ordered reprisals on British ships and merchandise in Spanish ports; Byng retaliated on Spanish shipping, but a formal declaration of war was delayed till the end of the year (28 December).[1] Twenty years later, in 1739, when again England and Spain were on the verge of war and negotiations were on foot to stave it off, England, as part of a compromise, agreed to allow Spain to set off against the indemnity demanded for the wrongful exercise of the rights of visit and search in the Spanish Main, the damage done to her fleet at Cape Passaro, a recognition by England of the doubtful legality of that action.[2] In February 1744 a great sea fight between the British and combined French and Spanish fleets took place off Toulon, before war was actually declared.[3]

Again, in 1725, British policy was directed towards preventing Spain from joining Russia and Austria, and in furtherance thereof Walpole gave orders for the pacific blockade of Porto Rico, giving strict injunctions against fighting. Walpole's manœuvres, cutting off for the time being supplies on board the Spanish ships assembled there, were successful in preserving the peace; though the action was one of high-handed power, it is an interesting example of Pacific Blockade against a Great Power. Spain, in retaliation, made an unsuccessful land attack on Gibraltar, but did not declare war till 1727. The continued struggle between England and France in America in time of peace has already been mentioned. In 1755, nearly a year before war broke out, Hawke was sent to sea to seize all French ships between Ushant and Finisterre, and later to send in all French ships. So before the end of the year and six months before war came there were 300 French merchant ships and 6000 French sailors in England. France retaliated in April 1756 by the attack on Minorca which cost Admiral John Byng his life. English and French warships fought each other in the Channel and in the West Indies though war was not officially declared until May 1756.[4]

A curious situation was caused in India in 1744 when war had actually broken out between England and France. La Bourdonnais who was in command of the islands received orders from the French East India Company not to attack the English Company if the latter consented to refrain from hostilities. The English Company accepted the French proposal on the understanding that it did not bind the Home Government. But as the latter sent naval forces into the Indian Ocean and was capturing French shipping, the French acted on the

[1] Clowes, W. M. L., *The British Navy*, III, 32; Mahan, A. T., *The influence of sea power upon history*, p. 237.
[2] *C.M.H.* VI, 157.
[3] Mahan, p. 265; *C.M.H.* VI, 239.
[4] Mahan, p. 284; Clowes, III, 291.

offensive and in September 1745 La Bourdonnais captured Madras. In the terms of the capitulation the governor was allowed to ransom it for £420,000, which was paid. Dupleix, however, subsequently refused to observe the capitulation as being made without his superior authority and kept Madras till it was restored to England by the Treaty of Aix-la-Chapelle.

There are few subjects in international law which have occasioned more controversy than the position in time of war of enemy goods carried in neutral ships, and of neutral goods carried in enemy ships. From the middle of the seventeenth century onwards until the middle of the nineteenth there was a constant endeavour on the part of neutral States to obtain the most favourable treatment of their ships and goods. The controversy was pre-eminently one in which carrying States desirous of remaining neutral wished to obtain the greatest possible advantages for their commerce, and, as was natural, the Dutch, a great carrying power, were the foremost in pressing for the acceptance of a rule which their position rendered most desirable. The law and practice of the Middle Ages undoubtedly gave the belligerent the right to capture the privately owned property of his enemy, though in process of time this right was modified as regards private property on land. Reasons of expediency and military discipline were those which told in favour of this mitigation, but similar arguments did not avail as regards property carried in ships at sea. We have already seen that neutral rights were of such slight importance in the early part of the seventeenth century that Grotius devoted to them only one short chapter in his *De jure belli ac pacis*. After the Peace of Westphalia, 1648, the claims of neutral States for protection of their trade increased. Taking the position that they were not concerned in the contest, they claimed for their subjects the right to carry on their commerce with all the belligerents as if no war existed. The belligerents' attitude was that any interference by a neutral in the trade with the enemy was an advantage to him by releasing his sailors for military operations, and so enabling him to obtain fresh supplies of money and commodities. England early apprehended the principle that the destruction of the commerce of the enemy is one of the chief aims of naval warfare, and was consistent in contending for the maintenance of the rules of capture of enemy property, not only on board enemy ships, but also on board those of neutrals.

The earliest rules on the subject are contained in the *Consolato del Mare*,[1] a code of maritime law drawn up at Barcelona in the fourteenth century, but embodying older usages. The principles enunciated are that enemy property whether ship or cargo is capturable, while neutral property whether ship or cargo is free. The Black Book of the Admiralty which contains the decisions of the English Courts on

[1] For text see Twiss, Sir Travers, *Black Book of the Admiralty*, vol. III; Pardessus, *Collection des Lois maritimes*, vol. II.

Admiralty matters during the fourteenth century shows that the rule of the *Consolato del Mare* as regards the liability to capture of enemy property on a neutral ship was adopted in the middle of the fourteenth century, but the freedom of neutral goods on an enemy ship was not adopted till later. French *Ordonnances* of 1533 and 1543 condemned neutral ships carrying enemy goods, and the English Court observed the same rule against the French by way of retaliation, but after the middle of the century the freedom of neutral goods on enemy ships was admitted, and thereafter it became the rule of the English Prize Courts until the Declaration of Paris, 1856.[1] In 1646 the Dutch obtained from France the acceptance of the rule of "free ships, free goods", and the same concession was made by Spain in 1650,[2] but in 1654, in their treaty with England, the old rule was maintained. In the Treaty of the Pyrenees (1659) France and Spain agreed to "free ships, free goods" with the corollary "enemy ships, enemy goods", but France formally enunciated her older custom of confiscating neutral ships carrying enemy goods and neutral goods in enemy ships in the *Ordonnance* of 1681; the enemy character of ship or goods was held to infect neutral goods or ships. Under this doctrine neutral ships could safely carry only neutral goods. In this severe treatment of neutrals she stood alone till Spain, by Ordinances of 1702 and 1718, adopted the same rule.[3] On the same day as the Treaty of Utrecht was signed between Great Britain and France, the same Powers signed a treaty of navigation and commerce[4] containing the "most favoured nation" clause; it also dealt with the thorny subject of "free ships". The doctrine of Louis XIV, enunciated in the pride of his naval power in 1681, had been extended to attach an enemy character to the produce of enemy territory in neutral ships, a doctrine subsequently adopted by the Prize Courts of Great Britain and the United States.[5] The severity of the French rule was seen in the fact that neutral ships loaded in an enemy port, and going to a neutral port, were liable to condemnation under the doctrine of "infection", laid down in the *Ordonnance*. Article XVII of the treaty of navigation and commerce adopted the doctrine of "free ships, free goods" (except contraband) and also gave freedom from seizure of enemy persons on board neutral ships unless such persons were actually in the service of the enemy. By Article XXVII the doctrine of "enemy ships, enemy goods" was also adopted, except for goods laden for specified times before and after the outbreak of war. This was the only treaty signed at Utrecht by Great Britain in which she accepted a variation of her traditional doctrine. Louis XV in 1744

[1] See Westlake, J., *International Law*, vol. II, chap. vi and authorities cited; also Hall, W. E., *International Law*, § 255; Manning, W. O., *Law of Nations*, chap. vi.

[2] Dumont, VI, I, 57.

[3] Ortolan, *Diplomatie de la Mer*, II, 108; Wheaton, H., *History of the Modern Law of Nations*. 107, 114.

[4] Strupp, K., *Documents pour servir à l'histoire du droit des gens*, I, 34

[5] *The Phoenix*, 5 C. Rob. 201; *Bentzon* v. *Boyle*, 9 Cranch. 191.

modified the *Ordonnance* of 1681 by releasing neutral ships carrying enemy goods, though the latter were still condemned. The Dutch were able between 1650 and 1700 to obtain from Spain, Portugal, France, England and Sweden the acceptance of the "free ships, free goods" doctrine. Except where bound by treaty England continued to maintain the rule of the *Consolato* which remained the common law of nations in the absence of special stipulation, and down to the middle of the eighteenth century no writer of repute claimed for neutrals greater privilege. An attempt was made by Prussia in the controversy with Great Britain in 1752 on the Silesian Loan question[1] to establish the doctrine "free ships, free goods" as the rule of international law, but it is generally recognised that the British Report of the law officers in 1753 on the action of Frederick II in withholding payment of interest on the Silesian Loan,[2] being a reply to the Prussian "Exposition des motifs fondés sur le droit des gens", was in Montesquieu's words a "réponse sans réplique". The French rules from 1681 to 1744 were peculiar to their Prize Courts, and to those of Spain; the practice of other states was to confiscate the goods of the enemy alone. The key to the changes which took place in the treatment of belligerent goods under the neutral flag was the anxiety of States to secure the carrying trade of belligerents. The price which Holland was prepared to pay for the freedom of goods under her flag was that of suffering the loss of her own goods entrusted to belligerent merchant ships; by the various treaties by which she secured the immunity of goods under her flag she left her own goods to share the fate of the vessel.[3] In her various treaties "free ships, free goods" involved the corollary "enemy ships, enemy goods". States which pursued a definite policy of neutrality realised that in time of war goods of their own subjects would seldom be carried by belligerent ships, therefore the acceptance of "enemy ships, enemy goods" in practice was a small price to pay for the concession of "free ships, free goods". The rule of the *Consolato del Mare*, which was that of England, retained the right to capture enemy goods under the neutral flag, but left immune neutral goods under the enemy flag. England by maintaining this principle was furthering her policy of attacking enemy trade whenever she was belligerent, whether enemy merchandise was found on enemy or neutral ships.

It is not necessary to examine in detail the history of the struggle of neutral States for greater freedom of trade in time of war; no State was continuously consistent in its policy. The period from the accession of William III to the end of the Seven Years' War was notable for the great development of the use of sea power against commerce. The struggle

[1] de Martens, Ch., *Causes célèbres du droit des gens*, vol. II, cause première; Manning, W. O., p. 292; Satow, Sir E., *The Silesian Loan, and Frederick the Great.*

[2] Marsden, R. G., *Law and Custom of the Sea.*

[3] Manning, p. 319; Hall, §§ 255, 267; Clark, G. N., *The Dutch alliance and the war against French trade*, chap. i.

between the English and Dutch emphasised principles which were again brought into prominence in the wars at the end of the eighteenth century, and also in the World War of 1914–18. The Dutch policy of "free ships, free goods" permitted their vessels to carry the commerce of both belligerents; the only limitations on this "freedom of the seas" which they were prepared to acknowledge were those connected with contraband and blockade, both of which were and still remain fruitful sources of friction between belligerents and neutrals. The British view was that the freedom of the enemy to carry on his trade in time of war enabled him to prolong the struggle, and that by increasing the list of contraband goods, and capturing enemy property under neutral flags, economic pressure could effectually be brought to bear on him. For a short time during the early days of the Anglo-Dutch alliance against France from 1689 to 1697, the Dutch fell in with the British views, but the policies of the two countries ultimately diverged, and France and Holland agreed to the rule of "free ships, free goods" in the Treaty of Ryswick.[1]

At the opening of the Seven Years' War the British Government took an important step in relation to the treatment of neutral ships. The trade between European countries and their colonies was the monopoly of the mother country, though it was frequently invaded by others who ran the risk of losing their ventures. Sir William Scott (Lord Stowell) thus spoke of the colonial trade in 1799: "What is the colonial trade, generally speaking? It is a trade generally shut up to the exclusive use of the mother country to which the colony belongs, and this to a double use, that of supplying a market for the consumption of native commodities, and the other of furnishing to the mother country the peculiar commodities of the colonial regions".[2] When the mother country could maintain a regular service of shipping with the colonies, and provide them with all they required, the colonists had little to complain of, but this system of excluding the ships of other nations which was embodied in the Navigation Acts, while it encouraged shipbuilding and the growth of a mercantile marine, was naturally viewed with jealousy by other maritime States who were in a less favourable position, and a large amount of illicit trade sprang up, especially by Dutch traders, in the Spanish colonies who were badly supplied by the mother country. But on the outbreak of war in 1756, the French, owing to the power of the British Navy, were no longer able to carry on the colonial trade, and therefore announced that licences would be issued to Dutch vessels to take it up.[3] The British minister at the Hague was instructed to inform the Government of the Netherlands that neutral vessels engaged in a trade which was opened up to them in time of war but which was closed

[1] *Vide* Clark, G. N., *passim*.
[2] *The Immanuel*, 2 C. Rob. 186.
[3] Wheaton, H., *History of the Modern Law of Nations*, p. 217.

to them in time of peace would be treated as enemy ships, and captured and condemned. This warning was unheeded and Dutch vessels engaged in trade between French colonies and the mother country were condemned under the principle subsequently known as the "Rule of the War of 1756". This was bitterly resented then, and subsequently during the French Revolutionary wars, when the rule was extended to the coasting trade of belligerents. The British Prize Courts were firm in their execution of the principle which was a sound application of the basic principle of naval war; neutral vessels by carrying the produce of enemy colonies to the mother country afforded great relief and succour to the enemy's trade, doing for him what he could not do for himself. The Dutch remonstrated against the English practice and based their protest on the ground that it was a violation of a treaty with England in 1674 whereby the two Powers had adopted the rule of "free ships, free goods", as well as the explanatory declaration of 1675 which declared that neutral navigation extended to the trade from one enemy's port to another.[1] The British Government denied that it was applicable to the circumstances, which, they contended, constituted in effect a grant of French nationality to the Dutch ships. Denmark also protested and sent a mission to England headed by Hübner, and this was the occasion for the publication, in 1759, of his important work on the seizure of neutral ships.[2]

The principle of the "Rule of the War of 1756" was not new, and the earliest case in which it appears to have been enforced was by the Dutch who, in 1604, condemned two Venetian vessels trading south of the "line", the tropic of Cancer, with licence from Spain, with whom the Netherlands were then at war. The Dutch took the position that the Venetian shipowners had, by accepting Spanish licences to engage in the closed colonial trade, made themselves the allies of Spain. Charles I applied the same principle in 1630 to neutrals engaged in the Spanish coasting trade.[3]

It was in vain that neutral vessels engaged in the colonial trade of the enemy attempted to evade the application of this rule by breaking their voyage from the colony to the mother country, by stopping at a neutral port and making a colourable importation at that port and then re-exporting the colonial produce to the mother country. Vessels captured on their voyage from such port with colonial cargoes were condemned on the ground that the whole voyage was one, under the doctrine of "Continuous Voyage".[4] The doctrine of "Continuous Voyage" appears to have been applied by the English Prize

[1] Wheaton, p. 218; Dumont, vol. II, pt I, p. 342; Lord Liverpool (Mr Jenkinson), *A Discourse on the conduct of Great Britain in respect to neutral nations during the present war* (1757).
[2] *De la saisie des batimens neutres*; see also Wheaton, H., p. 219.
[3] Marsden, R. G., *Law and Custom of the Sea*, I, 345; *ibid. E.H.R.* (1910), XXV, 244.
[4] See Higgins, A. Pearce, *War and the private citizen*; Hall, W. E., *International Law*, § 234.

Court as early as 1756[1], and it seems probable that the Court had in mind the fact that the goods in question were engaged in a prohibited course of commerce. There are other cases during the same war, but the fuller exposition and application of the doctrine does not appear till Lord Stowell's (Sir William Scott) decisions during the Napoleonic wars.[2] It is noteworthy that the Dutch appear to have been the first naval Power to attach due importance to the intermingling of neutral traders in a belligerent's trade, and to visit it with the natural consequences. It was a position which could only be assumed by a strong naval Power; when the Dutch naval strength diminished and her position was chiefly that of a neutral engaged in the carrying trade, her interests changed, and her policy was consequently in favour of the greatest latitude for the neutral trader. Sir Christopher Robinson, a famous Law Reporter, stated in 1808 that the doctrine of "Continuous Voyage" was in the first instance introduced as a rule of equitable construction in favour of neutral trade,[3] but earlier cases do not bear out this view. It was applied as an equitable construction by Lord Stowell in one case at least, but in the period of the Seven Years' War and afterwards its chief aim was to put a stop to the evasion by neutrals of belligerent rights.

During the period which elapsed between the Peace of Westphalia, 1648, and the Treaty of Paris, 1763, neutrality as a doctrine of international law may be said to have definitely taken shape. The fundamental idea of modern neutrality is that States which are not parties to a war must refrain from giving any assistance to the belligerents, and must observe complete impartiality. Neutral States, however, are under no obligation to prevent their subjects from engaging in acts of a commercial nature which may be detrimental to the interests of one of the belligerents, such as carriage of contraband goods and attempting to enter blockaded ports. For such operations the neutral State is free from liability, but belligerents have maintained the right to control and deal with neutral merchant vessels engaged in these operations to their disadvantage. Capture and condemnation by Prize Courts of the offending vessels and cargoes have been the consequences for several centuries of such intermingling of neutral merchants in a war.

The doctrine and practice of the early part of the seventeenth century were reflected in Grotius's treatment of the subject. "It is the duty of those who stand apart from a war to do nothing which may strengthen the side whose cause is unjust, or which may hinder the movements of him who is carrying on a just war; and on a doubtful case, to act alike to both sides in permitting transit, in supplying provisions to the respective armies and in not assisting persons

[1] *The Jesus, Burrell's Reports* (ed. Marsden, 1885), 178.

[2] Briggs, H. W., *The doctrine of Continuous Voyage*, p. 15; Mootham, O. H., *The doctrine of Continuous Voyage, 1756–1815, Brit. Year Book of International Law*, 1927, p. 62.

[3] *The Immanuel* (1800), 2 C. Rob. 197; App., note 2 to vol. VI, *C. Rob. Rep.*

besieged."[1] Violation of neutral territorial waters long remained common, though during the eighteenth century neutral States which refrained from making protests and obtaining redress for such attacks on their sovereignty were liable to be and not infrequently were treated as allies of the State so doing, and as professing a sham neutrality. Treaties were still being entered into for the preservation of strict neutrality, as it was recognised that it was not unneutral for States to lend assistance to a belligerent if bound to do so by treaty before the outbreak of war. Thus Holland, by the Treaty of Nymegen, 1678, promised Louis XIV henceforth to preserve a strict neutrality and not to assist either directly or indirectly the enemies of France. Bynkershoek (1737) and Vattel (1759) both formulated ideas of neutrality, though the former writer did not use the word. Bynkershoek abandoned the Grotian principle of the justice of the cause being the measure of the neutral's duties, but it was retained by Vattel as regards the right to allow the passage of troops through belligerent territory. Practice was still far behind the teaching of the publicists and examples of violation of neutral waters were not infrequent. These were especially noticeable in the seventeenth century. In 1666 the Dutch captured English vessels in the Elbe, an English fleet attempted to capture Dutch ships in Bergen in 1665, and the French attempted to cut out some Dutch ships in Lisbon in 1693. Neutral sovereignty was better respected in the eighteenth century, but in 1742 a British captain chased some Spanish galleys and drove them into the French port of St Tropez, and burned them there, though France was officially neutral.[2] In 1759 Admiral Boscawen captured two French vessels in Portuguese waters, and France made the non-compliance by Great Britain with the Portuguese claims for reparation a ground of her declaration of war against Portugal in 1762, alleging that Portuguese neutrality was fraudulent.[3] Recruiting in neutral States was not considered improper down to the middle of the eighteenth century and in 1677 England granted to both France and Holland, then at war, the right to enrol Englishmen in their armies. Letters of marque to neutral privateers were also granted by belligerents.

The subject of contraband has always been one on which nations have taken divergent views, and even to-day it cannot be said that a really unanimous custom is established. The principle that a belligerent always had the right to prevent access to his enemy of commodities immediately of use to him in the prosecution of the hostilities has always been received; the difficulty has turned on the articles to be included under this head. The word "Contraband" means "in defiance of an injunction" (*Contra bannum*), and belligerents issued lists of articles or made treaties enumerating those which

[1] *De jure belli ac pacis* (1628), lib. III, cap. xvii.
[2] Mahan, p. 263. [3] Hall, § 209.

came under this head. Grotius distinguished three classes of articles: "There are some objects which are of use in war alone, as arms; there are others which are useless in war, and which serve only for purposes of luxury; and there are others which can be employed both in war and in peace, as money, provisions, ships and articles of naval equipment".[1] There was a general agreement among States that the first class was liable to capture when destined for an enemy country, fleet or army; the dispute, which has not even yet been ended, turned on those which came under the third heading (*res ancipitis usus*). Numerous treaties enumerating contraband articles were made between States with the object of saving disputes when war arose, but these treaties are not consistent with each other, and vary from generation to generation.[2] The English doctrine of treating goods of the third class as contraband only according to special circumstances such as a clear destination to the armed forces of the enemy gave rise to the class of contraband known as "conditional", but these by treaty were often dealt with less severely than the first class, called absolute contraband, and when captured they were brought in for pre-emption not for condemnation.[3] The law was uncertain, and treaties by no means uniform; these facts must be remembered in considering international disputes on the subject during this period.

The use of blockade as a means of depriving a belligerent of all commercial relations with neutrals appears in the latter part of the sixteenth century. It seems possible that an earlier attempt to introduce blockade may be attributed to Edward III in 1346, who ordained that every foreign ship which should attempt to enter a French port should be taken and burned. The Dutch in the war of liberation from Spain in 1584 and 1586 declared that the coasts of Flanders then in Spain's possession were under blockade, and that ships endeavouring to enter the ports would be captured. Such a declaration was merely one on paper; the Dutch had not the means to make it effective in the sense in which that word came to be understood subsequently, that is, dangerous for any ship to attempt to contravene. They issued similar decrees in 1622 and 1624 and again in June 1630. The latter appears to be the first public document determining the conditions of blockade and was the subject of a learned commentary by Bynkershoek.[4] The doctrines therein enunciated were afterwards incorporated into English Prize law. The edict laid down that not only would ships and cargoes which were seized when actually attempting to break blockade be condemned, but that a ship was liable to capture from the moment it started on its voyage with intent to break the blockade. It was further provided

[1] *De jure belli ac pacis*, lib. III, cap. i, s. 5.
[2] Hall, §§ 237, 238.
[3] Westlake, J., *War*, p. 281.
[4] *Quaestiones juris publici*, lib. I, cap. iv; Fauchille, P., *Traité de droit international public*, § 1596; Westlake, J., *Collected Papers*, p. 326.

that vessels that had entered a port under blockade were liable to capture on their return voyage until they had reached a neutral port. When Holland was at war with England in 1652 and 1666 the States-General declared a blockade not only of all the ports of Great Britain but of all her possessions in other parts of the world. In these cases any real investment was obviously impossible. When Holland was at war with France in 1672 and 1673 a similar blockade was declared against France and French possessions. The Treaty of Whitehall[1] between England and Holland (22 August 1689) contains an important preamble setting forth the principles of naval warfare which the Powers would adopt. The greatest damage was to be done to the enemy and particularly all commerce and traffic with him was to be broken off so that he should not be able to obtain the means of carrying on his war. "Le but de toute guerre maritime est la ruine du commerce ennemi", said a French admiral in 1874, and the Treaty of Whitehall in providing "qu'on fasse en sorte que tout le commerce et trafic avec les sujets du Roi Très-Chrétien soit effectivement rompu et interdit" enunciated a similar doctrine. The treaty forbade the subjects of both of the allies to trade with the enemy under penalty of condemnation of ship and cargo, while as regards neutrals they were to be informed that vessels which sailed for French ports before notification would be diverted, and that those which sailed after such notification would be captured and condemned as good prize. In the treaty the word "blockade" is not used, and it has been stated by a great international lawyer[2] that the document did not profess to exercise a belligerent right against neutrals, but in effect to forbid neutrality. Whether this be so, or whether it may be taken as another instance of paper blockade, it is an example of the use which naval Powers were prepared to make of their strength so long as neutrals were not sufficiently powerful to assert themselves. The blockade of 1689, says Westlake, was the first appearance of England as a blockading Power, except in case of siege, and probably the first appearance of any Power other than Holland in this rôle.[3] There are other treaties of the period which deal with blockade as a species of siege by investment by sea, and the wider extension of the idea to exclude neutrals from all commerce with the enemy, not merely to prohibit trade in contraband, alarmed neutral States such as Sweden and Denmark. These two States in 1693 resorted to reprisals to obtain relief from the belligerent burdens and succeeded in obtaining the release of several of their ships by both England and Holland and a recognition of the necessity of blockades being effective. The struggle between belligerent claims to decree "paper" blockades (*blocus du cabinet*) and neutral insistence on close and effective

[1] Dumont, vol. VIII, pt II, p. 238; Strupp, I, 22; Calvo, *Droit international théorique et pratique*, V, 180.

[2] Westlake, J., *International Law, War*, p. 261; cf. Clark, G. N., p. 33.

[3] Westlake, J., *Collected Papers*, p. 332.

blockades continued, and treaties were entered into in the early part of the eighteenth century declaring that blockades were only effective when vessels attempting to enter were exposed to the fire of ships of the blockading squadron,[1] and some went so far as to fix the number of ships necessary to constitute the blockade.[2]

It does not appear that blockade had definitely acquired the meaning of lawful exclusion of all commerce from an invested place, leaving open the question of what might be a real investment. The claims of belligerents by a mere declaration to exclude all neutral commerce from enemy ports without any attempt at making the declaration effective caused neutrals increasingly to claim the right to maintain freedom of commerce with the belligerents, and by the middle of the eighteenth century the preponderating opinion and practice were against the validity of paper blockades.

In order to ascertain whether a merchant ship was enemy or neutral, and if neutral carrying contraband or attempting to break blockade, belligerent warships asserted a right to visit and search all merchant ships in time of war. The right is one of considerable antiquity, and codes of maritime law, ordinances and treaties had recognised it by the sixteenth century.[3] During the seventeenth century there were numerous treaties regulating the formalities to be observed, one of the most important being the Treaty of the Pyrenees (17 November 1659)[4] between France and Spain, the principles of which were embodied in the treaty of commerce made between Great Britain and France on 11 April 1714 (Arts. XXIV–XXVI).[5] The question whether neutral merchant vessels sailing under the convoy of one or more of these national warships were liable to be visited was raised in 1653 when Queen Christina of Sweden ordered convoying ships to "decline that they or any of those that belonged to them be searched". By sailing under the protection of their warships neutral merchant vessels, if free from search, would be encouraged to engage in unneutral trade and thus inflict considerable damage on belligerents. The question raised by Queen Christina was left untouched by the settlement in the Treaty of Westminster (1654). In the same year the Dutch, who were now neutral, put forward arguments in favour of the right of convoy, without, however, denying the right of belligerent search. They laid stress on the inconveniences to neutral trade which it involved. Two years later Admiral de Ruyter successfully resisted an attempt to visit a convoy under his command, and after some discussion a compromise was reached whereby the papers of the convoyed ships were produced to the captain of the visiting ship,

[1] Dumont, VIII, 62, 113.
[2] Wenck, F. A. G., *Codex juris gentium*, I, 591; II, 753.
[3] Higgins, A. Pearce, *Le droit de visite et de capture dans la guerre maritime. Recueil des Cours de l'Académie de droit international*, 1926, I, 74.
[4] Dumont, vol. VI, pt II, p. 264 (Art. XVII).
[5] Strupp, K., *Documents pour servir à l'histoire du droit des gens*, I, 40.

and if sufficient grounds for seizure appeared, the protection of the convoying ship was withdrawn. The Dutch, when belligerents, did not hesitate to exercise the right of visit and search over convoyed neutral ships and there is no evidence of resistance until 1759 when the Dutch again claimed to withdraw their convoyed ships from the right of visit. Their purpose was to avoid the application by Great Britain of the "Rule of the War of 1756" in regard to the French colonial trade, but it would seem that their claim was unheeded by Great Britain. In the latter part of the eighteenth century and during the Napoleonic wars claims by neutrals for their convoys to resist visit and search became more frequent, but until 1781 the practice of visiting convoyed neutral vessels was general.[1] Great Britain has been consistent in maintaining the exercise of the right to visit neutral convoys, the introduction of which she contended showed *prima facie* intention to carry on an illicit commerce. The whole subject came into great prominence during the American War of Independence and the Napoleonic wars.

It has already been pointed out[2] that letters of reprisal to private individuals to obtain redress of their grievances ceased about the middle of the seventeenth century. But the issue of letters of marque for the purpose of general reprisals was common and in time of war they were granted to large numbers of private persons whose ships greatly increased the fighting forces of the belligerents. The name "privateer" is given in the early part of the eighteenth century to such ships. The motives of the holders of letters of marque were plunder and self-enrichment: there was an absence of proper control over the crews, and their operations constantly called for regulation. The fact that the owners had to give security and were given special instructions[3] does not seem to have reduced the evils. The vessels were frequently employed in trade in addition to their warlike operations and every maritime nation, especially those with small regular navies, relied on privateers who wrought great havoc amongst their adversary's merchant ships. General regulations as regards prizes began in England by an Act of William and Mary, 1693,[4] which was the first of a series of Prize Acts passed at the beginning of nearly all subsequent wars. Under these Acts captors, whether ships of the Royal Navy or privateers, took their title to their prizes after they had been condemned in the Prize Court.

During this period there was little difference in construction or design between ships of the Royal Navy and merchant ships, and the Admiralty frequently hired or bought merchant ships for incorporation temporarily or permanently into the Navy. The pay in the Navy was poor, though it was increased by the capture of prizes. In the

[1] Hall, § 272; Dupuis, C., *Le droit de la guerre maritime*, § 244.
[2] See chapter VII.
[3] Marsden, R. G., II, xvi, 403–35.
[4] 4 & 5 Will. and Mary, cap. 25.

time of the Commonwealth a further reward was introduced in "gun-money", a payment to the officers and men on board H.M.'s ships of war of so much per gun on board enemy ships of war captured or destroyed. This was changed in 1693 to "head-money", a payment of so much per head for every man who was on board the enemy warship at the beginning of the action in which the ship was taken. This rule still holds good, but the money so granted is called Prize Bounty.[1]

A distinction at one time existed between privateers and private ships furnished with letters of marque, the former only being entitled to gun or head money, but the distinction was abandoned by the time of the Napoleonic wars.[2] East Indiamen commonly carried letters of marque authorising them to capture pirates who were still a scourge to navigation, and on one occasion commissions were issued to assist the East India Company in its war against the King of Bantam.[3] The crews of these vessels thus became entitled to prize money and head money in case they captured their assailant.

Merchant ships were frequently armed in self-defence and this practice was a very old one. Pirates and privateers were likely to be met and merchant ships were forced to arm or to sail in convoys. An Order in Council of 4 December 1672 ordered masters of merchant vessels going on foreign voyages to sail in convoys and to keep together and mutually assist and defend each other and for this purpose to be well provided with "muskets, small-shots, hand grenades and other sorts of ammunition and military provisions".[4] Such defensively-armed ships frequently took part in engagements, and this was the rule not only with British ships, but with ships of other nations. In the case of the capture of the San Domingo convoy on 20 June 1747, nearly all the merchant ships were armed, and in the battle off Cape Finisterre in the same year four armed French East India merchant ships took part.[5] Captures which such non-commissioned ships made were condemned to the Crown, as in fact were all captures, but these captures were termed "Droits of Admiralty" and only portions of the proceeds of the prizes were given *ex gratia* to the private captors. On the other hand, the holders of letters of marque, the privateersmen, were entitled to the prizes they captured after condemnation, such prizes as well as those captured by ships of war being called "Droits of the Crown".

Naval operations during this period, especially those of privateers, were often characterised by brutality. Cruelty in the West Indies was not confined to the Spanish seamen. Rear-Admiral Stewart,

[1] Higgins, A. Pearce, "Ships of War as Prize" in *Studies in International Law and Relations*, pp. 205–8.
[2] *The Fanny*, 1 Dods. *Rep.* 443. [3] Marsden, II, 105.
[4] Higgins, A. Pearce, "Defensively-armed merchant ships" in *Studies in International Law and Relations*, p. 247.
[5] Beatson, R., *Naval and Military Memoirs*, I, 341, 343.

writing to the Admiralty on 12 October 1731 in reference to orders he had received to make reprisals, said: "We have fifty trading ships to one of the Spaniards in these seas; so in this way of making reprisals we must in the end be losers. We are the aggressors by our illicit trade, carried on by armed sloops or with convoy, in defiance of law. The Spaniards retaliate by robbing such of ours as they can master. Our illicit traders are as cruel to the Spaniards, murdered seven or eight of them on their own shore".[1] Smugglers, unlicensed traders and privateers were engaged in the work of plunder in various parts of the ocean, piracy was common and the exercise by vessels under letters of marque of the belligerent right of visit and search of neutral ships, in which a high degree of character and forbearance on the part of the visiting officers is of especial importance, was frequently carried out in such a manner as to produce serious complaints by neutral States.

[1] Marsden, II, 278.

CHAPTER XX

MERCANTILISM AND THE COLONIES

MERCANTILISM was the economic expression of the militant nationalism which sprang out of the social and political changes of the sixteenth century. Its exponents assumed that it was the business of the State to promote the economic interests of the country. They also supposed that the normal way of doing so was to encourage foreign trade. Since they did not conceive of trade between one country and another as of mutual advantage, they were particularly concerned with measures calculated to secure a favourable balance for their own country. To this end it seemed vitally important that the value of exports should exceed the value of imports. "For as a pair of scales", says Misselden,[1] "is an invention to show us the weight of things, whereby we may discern the heavy from the light... so is also this balance of trade an excellent and politique invention to show us the difference of weight in the commerce of one kingdom with another: that is, whether the native commodities exported, and all the foreign commodities imported do balance or over-balance one another in the scale of commerce....If the native commodities exported do weigh down and exceed in value the foreign commodities imported, it is a rule that never fails that then the kingdom grows rich and prospers in estate and stock: because the overplus thereof must needs come in in treasure....But if the foreign commodities imported do exceed in value the native commodities exported, it is a manifest sign that the trade decayeth, and the stock of the kingdom wasteth apace; because the overplus must needs go out in treasure." This passage expresses very clearly the simple form of the theory. Only commodities, i.e. material things, are taken into consideration; it is assumed that their values can be ascertained; and a favourable balance is one that imposes on another country an obligation to send "treasure", by which is understood the precious metals in the form of coin or bullion. For the mercantilists attached great importance to the accumulation of gold and silver within the country. While they did not usually fall into the crude error of confusing money with wealth, they did believe that it was necessary to adopt measures to attract it into the country. Scarcity of money seemed to them to lead to stagnation of trade, and lack of treasure might in the event of war involve disaster; they were often not clear whether they wanted a large volume of active currency or a considerable hoard only to be used in an emergency. In the second half of the seventeenth century, when Louis XIV's minister, Colbert, was vigorously applying

[1] Misselden, Edward, *The Circle of Commerce* (1623), pp. 116–17.

mercantile principles in France, it was natural to put particular stress on the importance of the accumulating of money as the sinews of war. Public policy, therefore, should be directed to the maintaining of favourable balances, and to the extent it succeeded in doing so, national wealth was necessarily augmented and national safety guaranteed.

The practical conclusions which the mercantilists drew from the theory that foreign trade was the chief means of increasing national wealth and that a favourable balance was an essential condition are abundantly illustrated in the trade policy of the period. Since trade was understood to mean the exchange of commodities, their assumptions defined their attitude towards imports, exports and re-exports. All *imports* had to be carefully scrutinised. If they were luxuries they threatened to drain away treasure without affording any compensating advantage. Hence there was a presumption in favour of sumptuary legislation which would discourage the use of non-necessaries. If they were manufactured goods, they were thought to prejudice the employment of labour at home. For this reason there was a growing tendency to restrict, or even to prohibit, the importation of such goods. If they were the necessary raw materials of native industries, they had to be admitted; but the consequent dependence on foreign countries for supplies was always regarded with some uneasiness. A good example is that of "naval stores", a general term which covered such articles as masts, ship timber, tar, pitch, resin and hemp. In the seventeenth century England had to secure these from the Baltic countries.[1] But it was considered highly unsatisfactory that she should have to rely on foreign countries for commodities indispensable for naval defence, and that the extent of the dependence should involve a constant unfavourable balance of trade with them. With regard to *exports*, it was thought desirable that they should as far as possible be manufactured goods, both because manufactured goods were of greater value than raw materials (it being supposed that labour had necessarily added to their value), and because the export of raw materials provided rivals with the means of competing in production. The export of "white", or unfinished, cloth was a subject of constant complaint against the Merchant Adventurers and the export of raw wool was actually prohibited. With the extension of trade to the East and West, tropical and sub-tropical products offered great possibilities for the profitable exploitation of *re-exports*. It was to eliminate the dependence on the Dutch for spices that certain London merchants sought a charter for a company to trade to the East. The early voyages of the East India Company were all directed to the Spice Islands. Since there was no considerable demand for English goods there, the Company was from its inception allowed to export a certain amount of silver,

[1] See Albion, R. G., *Forests and Sea Power*, chap. iv.

a privilege which invited attack because it ran counter to the prevailing doctrine. The Company was accused of undermining the strength of the country and of being "enemies of Christendom", for "they carried away the treasure of Europe to enrich the heathen".[1] It was to meet these criticisms that Thomas Mun developed the argument which he later incorporated in *England's Treasure by Forraign Trade*[2]—long recognised as a classical exposition of mercantilism—that it was quite permissible to export bullion if it was used to purchase commodities which could be subsequently re-exported and sold at a profit. This was a notable advance in the discussion of the mechanism of the balance of trade. Mercantilists had hitherto virtually confined their attention to the simple import and export relations between two given countries. The complexities of foreign trade were now somewhat grudgingly recognised, and the restrictions on the export of bullion were ultimately abandoned. Increasing importance was attached to re-exports, the mercantilists setting particular value on the *entrepôt* trade in such commodities as spices, sugar and tobacco.

By the end of the seventeenth century the stress had come to be laid on the promotion of employment within the country, rather than on the import of the precious metals, as the aim of mercantilist policy. It was held that a country was necessarily prosperous if it had a large population fully employed in the making of goods for foreign markets. Employment which did not lead to increased exports was not thought to be advantageous. "By what is consumed at home", Davenant asserts, "one loseth only what another gets, and the nation in general is not at all the richer; but all foreign consumption is a clear and certain profit."[3] The desideratum was a population as large as possible, as fully occupied as possible, and living as near as possible to the margin of subsistence. Since output was not increased to any appreciable extent by the use of machinery or power, and since no particular stress was laid on the principle of the efficiency of labour, contemporaries were apt to regard the contribution of one worker to the total of national production as much the same as that of another. Consequently to increase the total production it seemed necessary to add to the number of the workers. Some writers speak as though mere size of population should be considered, but it was generally recognised that it was not purely a question of numbers; the people had to be properly employed. The general impression at the end of the seventeenth century was that England was underpopulated. It was computed that owing to lack of men the country was losing large sums annually. She was at a disadvantage, it was alleged, in competition with Holland and France, her chief

[1] *The Trades Increase* (1615) in *Harleian Miscellany* (1809), IV, 223.
[2] Published posthumously in 1664.
[3] Davenant, Charles, *Political and Commercial Works*, collected by Sir Charles Whitworth (1771), I, 102.

commercial rivals, for they had a greater output at lower costs because they were well populated.

But to invade foreign markets it was necessary to undersell competitors, and to undersell competitors low costs of production were essential. The best way of obtaining low costs, it was generally assumed, was by paying low wages, and this a large population tended to ensure. The population—large and industrious—was to remain, therefore, at the bare level of subsistence to gain advantage in the foreign market and thereby promote national prosperity. Any factor which contributed to the increase of the working population, e.g. the immigration of workers from the continent, was to be welcomed. The labouring classes were sometimes spoken of as the wealth of the country, their value being computed as equivalent to the difference between the price of the raw materials on which they worked plus the wages they were paid and the price obtained for the finished articles when exported. This difference was also regarded by the mercantilists as an addition to national wealth—as indeed the only addition worth troubling about—and, therefore, size of population, its employment and the export of manufactured articles, were of fundamental importance in their system.

The economic problems involved in colonisation were approached by the statesmen of the late seventeenth century in the light of these general principles. Obviously the planting of colonies was a drain on the population of the mother country. This was a matter of much concern after the Revolution of 1688. Popular ideas on the question of population are always empirical. During the social dislocation of the sixteenth century the impression had grown that England was overpopulated, and that it would be good policy to find new homes for the surplus in Plantations in Ireland or the New World.[1] This view, however, gave place about the middle of the seventeenth century to the belief that the country was underpopulated. The losses of the Civil War and the growing intensity of commercial rivalry in Europe aroused alarm. Sir William Petty thought it would be as well if the inhabitants of New England would return.[2] Roger Coke alleged that it was because so many had emigrated to America that the Dutch had been able to compete with us in the trade with Russia and the Levant. The essential condition of colonisation—emigration from the mother country—therefore ran counter to the principle that national interest demanded a large population at home.

But just as Mun found arguments in favour of the export of bullion when such export was required by circumstances, so mercantilists had to consider whether emigration could be justified when it was an accomplished fact. The attitude of Sir Josiah Child is instructive.

[1] *Vide supra*, p. 69.

[2] *Economic Writings of Sir William Petty*, ed. Hull, I, 301; cf. Coke, Roger, *A Discourse of Trade* (1670), pp. 7–9.

He has to accept the proposition that "whatever tends to the depopulating of a kingdom tends to the impoverishment of it".[1] But he denies that emigration to the American Plantations has had any marked effect on the population of the mother country. In this view he admits that he was in a minority of possibly one in a thousand.[2] That many had gone to the colonies, he submits, is not a proof that they would have stayed in the country had there been no colonies to go to. The "sort of people called Puritans" had gone to New England; but if that way had not been opened up to them they would probably have gone to Holland or Germany. The "sort of loose vagrant people" who had gone to Virginia and Barbados would have been hanged or would have died of starvation or disease had they stayed at home.[3] These considerations seemed to him greatly to minimise the damage done to the mother country. Still, loss of people is a loss even if it is inevitable. But their departure to the colonies need not involve the *complete* loss which their settlement in a foreign country would. If the colonists were forced to confine their trade to the mother country, they would create a demand for home manufactures and therefore promote employment. In consideration of the initial loss and in order to secure ultimate compensation, the trade of the colonies, therefore, should be "confined by severe laws, and good execution of those laws, to the mother-kingdom".[4]

It may be admitted that if trade relations between the colonies and the mother country were controlled, a new market for manufactured goods would be created, and the demand would stimulate employment. Sir Josiah Child adduces the case of the West Indies where he says "one Englishman with the ten blacks that work with him, accounting what they eat, use and wear, would make employment for four men in England".[5] But it may be asked, granted the country was underpopulated, how could such an increased demand be met? Emigration would seem to accentuate the difficulty. Child's answer is "such as our employment is for people, so many will our people be".[6] If there is abundant employment, wages will rise and aliens will be encouraged to settle in the country. Davenant definitely suggests that aliens should be attracted so that immigration should compensate for emigration.[7] This view is insisted upon by William Wood, who as late as 1718 repeats Davenant's contention that "a country, which takes no care to encourage an accession of strangers, in the course of time will find Plantations of pernicious consequence".[8] A Bristol merchant, John Cary, sums up the discussion very well. Against the Plantations, he says, may be set the fact that "they have drained us of multitudes of our people who might have been serviceable at home and advanced improvements in husbandry and

[1] Child, Sir Josiah, *A New Discourse of Trade* (1693), p. 165. [2] *Ibid.* p. 169.
[3] *Ibid.* p. 170. [4] *Ibid.* p. 183. [5] *Ibid.* p. 179. [6] *Ibid.* p. 174.
[7] Davenant, II, 187.
[8] Wood, William, *A Survey of Trade* (1718), p. 134.

manufactures".[1] But while "people are the wealth of a nation" they can only be so "where we find employment for them, otherwise they must be a burthen to it". He concludes that the Plantations are an advantage "tho' not all alike, but every one more or less, as they take off our product and manufactures, supply us with commodities which may either be wrought up here or exported again, or prevent fetching things of the same nature from other places for our home consumption, employ our poor and encourage our navigation".[2]

The practical conclusion drawn by contemporaries, whether they were impressed by the supposed loss inflicted on the country by emigration or by the opportunities for increasing home employment afforded by the colonies, was that every consideration of prudence and policy required that their trade should be restricted to the mother country. To allow foreign countries free access to the colonies or the colonies free access to foreign countries was out of the question. The problem for the mercantilists was to find how the colonies could be used as a means of strengthening national power. They were in the making and should be so fashioned that they would be of service to the mother country in her contest with her formidable commercial rivals. It took time to explore the possible ways in which the colonies could be made economic assets. Under the stress of competition, first with the Dutch and then with the French, England developed a system within which the colonies were to play an important part. The broad foundations were laid in the reign of Charles II. During the Commonwealth the Navigation Act of 1651[3] had attempted to set restrictions on the carrying-trade which were designed to damage the Dutch. At the Restoration influences were brought to bear to induce the Government to continue this measure. The Navigation Act of 1660[4] confined the trade of England and her possessions in Asia, Africa and America to vessels belonging "to the people of England or Ireland" or to those built in and belonging to the Plantations. The master and three-quarters of the crew had to be English, i.e. subjects of the English Crown. One obvious effect of these regulations was to limit the amount of shipping available for colonial trade and consequently to raise the freights. But this restriction was an encouragement to the building of ships in such Plantations as were favourably placed for the development of the industry. There is no doubt that it did stimulate shipbuilding in the New England colonies. Contemporaries regarded the Navigation Acts as justified because they increased English shipping, and they vied with one another in praising the wisdom which inspired the legislation. The multiplication of shipping and the training of a large number of sailors were ends which mercantilists considered of such importance that they were willing to

[1] Cary, John, *An Essay towards Regulating the Trade and Employing the Poor of this Kingdom* (1717), p. 47. [2] *Ibid.* p. 48.

[3] *Acts and Ordinances of the Interregnum*, II, 559–62.

[4] 12 Car. II, cap. 18. For the details of this and subsequent legislation see chapter IX.

make sacrifices to attain them. Ships were necessary for the defence and extension of trade, they represented one of the chief forms of fixed capital, and the Navigation Acts offered an indirect subsidy to the builders and owners of them. Capital might have been more profitably invested in other directions, but it was desirable in the national interest to divert it to shipping. The colonial trade, on account of the long voyages and the bulky nature of the cargoes, demanded more ships for the handling of commodities of a given value than the European trade did. This was thought to be in its favour. Private enterprise would have avoided such a trade had it not been able to secure adequate returns. The Navigation Acts by limiting competition offered such returns. Thus the colonists had little of which to complain. If the restrictions were a benefit to the Thames shipbuilders, they were also a benefit to the New England shipbuilders; if they increased the freights which the Virginia tobacco exporters had to pay, they also increased the freights which some English merchants had to pay. Special interests reaped advantages at the expense of other interests; but the mercantilists were satisfied if the upshot was that the amount of shipping—English and colonial—was augmented.

The Navigation Act of 1660, however, gave definite expression to the principle of "enumeration", which obviously involved the subordination of the colonies to the mother country. The intention was to make sure that the commodities enumerated, if sent to Europe, should in the first instance be shipped to England. The mother country was thus to become the *entrepôt* for important colonial staples, viz. sugar, tobacco, cotton-wool, indigo, ginger, fustic or other dyeing woods. She was herself to be independent of supplies from foreign countries, and what she did not require for her own use she was to re-export. This would mean that to the extent that hopes were realised the balance of trade would be redressed in her favour. The colonies, for their part, were limited to a single market, which tended to reduce the price they received for the commodities. A supplementary Act was passed in 1663 which forbade direct trade between the continent of Europe and the colonies, and constituted England "a staple, not only of the commodities of those Plantations, but also of the commodities of other countries and places for the supplying of them". A few exceptions were made to this general rule—salt could be sent direct from the continent for the fisheries of New England and Newfoundland, and wines could be shipped from Madeira and the Azores.[1]

Since the colonies were not included within the fiscal system of the mother country, all commodities they sent to England and all commodities shipped from England to them paid import and export duties respectively, unless special provision was made in specific

[1] 15 Car. II, cap. 7.

cases, e.g. enumerated articles enjoyed a preferential rate. The trade regulations, therefore, were the source of a direct contribution to the State, apart from the indirect advantages the *entrepôt* trade afforded. Contemporaries were apt to exaggerate the fiscal benefits of the staple system. The main imports from the colonies were sugar and tobacco; if these were re-exported, one-half of the duty in the case of sugar and three-quarters in the case of tobacco was refunded, and, although these duties became much more complicated later, the principle of preference was maintained. The Government received the difference between the tax and the drawback, less the costs of collection, as well as the whole duty on the sugar and tobacco consumed within the country. It was frequently supposed that the colonies paid the duty on the sugar and tobacco consumed in England, a naïve piece of economic analysis which tended to strengthen the impression that the mother country was gaining more than she actually was. The export duties paid on goods sent to the colonies fell on the colonial consumers, but they were generally light. An anomaly of the original system of enumeration was that goods exported from the colonies to England paid import duties, while those which were sent to another colony did not necessarily do so; if the importing colony levied no duties on the goods, or levied lighter duties than the mother country did, it was in effect offering preference. This was met by the Act of 1673[1] which imposed export duties on enumerated articles if they were shipped to another colony. While the import duties on colonial goods landed in England and the export duties levied on goods sent to the colonies were collected by the Custom House officers in this country, provision had to be made for the collection of the export duties under this Act in the colonies themselves. As already explained, collectors were appointed for this purpose by the Commissioners of Customs, and many difficulties arose.[2]

After the Revolution of 1688–9 his constant preoccupation with the European war and difficulties at home prevented William III from taking any definite steps with regard to trade affairs until the spring of 1696. By that time considerable outcry had arisen among merchants, for they were suffering from many embarrassments owing to the continuance of the war. It was freely said that the country's economic interests were being neglected. Suggestions were put forward that a council of merchants should be appointed and charged under the terms of an Act of Parliament with the supervision and furtherance of the trade interests of the country. The agitation was met by the establishment of a new Committee for Trade and Plantations subsequently known as the "Board of Trade".[3] The commission issued to this body in May 1696 illustrates very clearly the mercantilist conception of the duties that the State should

[1] 25 Car. II, cap. 7, sec. 2. [2] *Vide supra*, p. 268. [3] *Vide supra*, pp. 269, 413.

undertake and of the place that colonies should occupy in a national scheme. The Committee was to enquire what trades were advantageous and what disadvantageous to the country, and it was to explore means of fostering the former and of correcting the latter. It was to consider the "setting on work and employing the poor" of the country. Special attention had to be paid to the colonies, for in the successful development of these new areas might well be found the solution of some of the mother country's more difficult problems. Commodities for which she had hitherto been dependent on foreign countries might be secured from the colonies if the proper steps were taken. This might involve the giving of special encouragement to certain activities in the colonies and the definite discouragement of others. The Committee was in fact expected to work out a complete mercantilist programme; and throughout the period of its existence it certainly attempted to do so, though not with uniform persistency. Its functions were limited to enquiry and report, a fact which largely explains its later ineffectiveness; for the compilation of reports and recommendations, which were either completely ignored or only accepted with serious modifications, did not supply a sufficient stimulus for continuous activity.

The main principles of the colonial system had been defined in the laws of trade and navigation, but it was already quite clear that the enforcement of this code presented considerable difficulties. Evasion was undoubtedly common enough when it offered any advantage. It was impossible to supervise all the shipping along the miles of coast of the mainland of North America and among the intricacies of the West Indies. The war with France made the task more arduous than it would otherwise have been. Further, the Customs officers found that the privileges enjoyed by the charter and proprietary colonies hampered them at every turn. As has been mentioned, Edward Randolph, who had already had much experience as an official in the colonies, was in 1691 appointed surveyor-general of the customs in America. After an extensive tour of inspection he drew up a long indictment against the colonists for breaches of the trade laws. He declared that it was practically impossible to get the juries in the common law courts to return a verdict against those charged with breaking the law.[1] In some cases advantage was taken of omissions from or ambiguities in the existing legislation. Many of these difficulties were removed by the comprehensive Navigation Act of 1696,[2] the main purpose of which was to define so precisely the application of principles already enunciated that evasion would be more difficult.

The establishment of the new Committee for Trade and Plantations and the passing of the comprehensive Navigation Act coincided with

[1] St. Pap. Col., Board of Trade, Plantations Genl., IV, 57; cf. Toppan, R. N., *Edward Randolph*, V, 117–24.

[2] 7 and 8 Will. III, cap. 22.

the making of definite provision for the assessing of the volume of trade. In 1696 William Culliford was appointed Inspector-General of Exports and Imports in order that he "might make a balance of the trade between this kingdom and the other parts of the world". He was required to submit regular returns to the House of Commons. From the year of his appointment there is a continuous series of these returns which gave the mercantilists in general and the Board of Trade in particular an indication of the state of trade and guidance as to the policy it was necessary to pursue to correct adverse balances. It is easy to criticise the general idea underlying these compilations and the form in which the figures are presented. The values expressed, for instance, are based on official values as given in the current book of rates and consequently they bear no definite relation to real values. Strictly speaking they are not values at all but quantitative terms (tons, cwts., lbs., yards, feet, etc.) multiplied by the official monetary value for the time being attached to the unit of weight or measure in the case of each commodity. Since the balance of trade was to be found by setting the real value of exports against the real value of imports these figures are not a true means of measuring it. These criticisms, however, are beside the point. The mercantilists had no other statistical method of judging whether commercial policy was or was not achieving the ends at which they aimed. The returns were generally regarded as an "abundant source of parliamentary information".[1] The significance of the figures is, not that they accurately represented the true state of affairs, but that they were generally supposed to be reliable enough for practical purposes.

If the figures for a series of years be taken, a fairly clear conception can be formed of the relative importance contemporaries would attach to trade with the various colonies. The favourite distinction made by mercantilist writers was between Plantations which produced commodities of a different nature from those of the mother country and those which did not; a distinction which was ultimately based on climatic conditions. Tropical and sub-tropical colonies were highly valued. The original system of enumeration was designed to secure the fullest possible benefit from them. In the first place in order of importance according to this theory were Barbados and Jamaica, together with Antigua, Montserrat, Nevis and St Christopher. These Plantations mainly exported sugar and other enumerated articles such as indigo and ginger.

Since sugar cultivation was carried on by means of slave labour, it was intimately connected with the African trade. It is, therefore, necessary to consider the exports from England to Africa as related to and consequent upon the development of the West Indies. The heavy exports to Africa were largely paid for by the purchasers of slaves in the West Indies, and in the circumstances the contention

[1] Burke, Edmund, *Speeches in the House of Commons*, I, 280.

that the institution of slavery was essential to the maintenance of the colonial system could hardly be challenged. Eighteenth-century mercantilists, such as William Wood, Joshua Gee and Malachy Postlethwayt, quite frankly state that the most profitable Plantation trade—that of the West Indies—could not be carried on without slave labour.

Of the continental colonies Virginia and Maryland were regarded as the most valuable because they supplied tobacco. In the earlier part of the seventeenth century attempts had been made to diversify the products of the southern colonies, but the tobacco crop had established itself. By the end of the century it was generally raised on large holdings worked by slave labour. Tobacco was the only important product of the mainland which was included in the original list of enumerated articles. It was not quite in the same category as sugar and other exotics. Alone of the enumerated articles it could be grown in England, but it was felt that the advantages of getting the supply from America—the amount of shipping employed, the market for English manufactures in the colonies, and the heavy yield of the customs duties levied on its importation—justified the step of forbidding the cultivation of the plant in England. The Government took drastic measures to enforce this prohibition, and though English farmers made persistent efforts to evade the regulation, a virtual monopoly for colonial tobacco in the English market was ultimately secured.

Trade with Carolina was as yet of slight importance. The settlements in this area had been promoted with very definite ends in view. They were to produce commodities for which England was then dependent on the countries of southern Europe. For seven years they were to be exempt from the payment of English customs duties on silks, wines, currants, raisins, capers, wax, almonds and olives. If the settlers produced these commodities, they would not find themselves in competition with the existing Plantations, either West Indian or continental, and they would contribute to correct the adverse balance of trade between England and the Mediterranean countries. But the idea that they could fit themselves into such a preconceived scheme is typical of the crude notions which were entertained about the possibilities of colonisation. It is scarcely necessary to say that Carolina fulfilled none of these high expectations, but mercantilists continued to draw attention to her supposed potentialities. In 1729 Joshua Gee is still calling for special measures to induce the colonists to supply what the mother country counted desirable.[1] Carolina, however, found a staple crop by a mere accident. A captain of a ship from Madagascar happened to give a settler a bag of seed-rice, and experiment proved that the climate and soil were suitable for its cultivation. It was soon grown in large

[1] Gee, Joshua, *Trade and Navigation of Great Britain considered* (1729), pp. 21–2.

quantities and found a ready market in Spain and Portugal. It was added to the list of enumerated articles in 1706,[1] with the result that the freight charges involved in first shipping it to England so increased the price that it could not compete with Egyptian and Italian rice. But this grievance of Carolina was removed in 1730 when the colony was allowed to export rice direct to any country in Europe south of Cape Finisterre.[2]

The mercantilists were much exercised by the question whether the mother country derived any real advantage from the northern continental colonies. They had most serious doubts about New England. None of its products had been enumerated because its climate was such that what could be grown there would enter into direct competition with English agriculture if imported to this country. "New England", Josiah Child asserted,[3] "is the most prejudicial Plantation to this kingdom." The trouble was that New England was a replica of Old England and not its complement. It sold corn and cattle to the West Indies and the southern colonies, thus depriving the mother country of possible markets for these goods. Part of the sugar, tobacco and other commodities it secured in payment it shipped to England in order to purchase manufactured articles. But the difficulty of finding sufficient means to make exchanges with the mother country was so great that the colonists had a strong inducement to endeavour to supply their own requirements. The mercantilists were suspicious of incipient industries, the development of which would in their opinion be of serious consequence to the mother country. So they were anxious to discover some commodities that New England could produce which would enable her to be of service. The most hopeful suggestion seemed to be that she should concentrate on the production of naval stores, for these were required in England. Dependence on the supplies from the Baltic countries was a matter of much concern, and to eliminate the consequent adverse balances was highly desirable. But, although New England did produce the articles included under the head of naval stores and they were used by the local shipbuilders, they could not gain a footing in the English market in competition with the Baltic supplies owing to higher cost of production and heavy freight charges. At the end of the seventeenth century the exports of New England included few products of the region except train-oil and furs, and the problem of making the settlements beneficial to the mother country remained unsolved. But Child's description of New England as "the most prejudicial Plantation" was not accepted without qualification by subsequent writers. William Wood stressed the fact that in peace time the northern colonies could sell provisions in the other Plantations at a lower rate than the mother country could, and that in time of war the interdependence of the colonies was of first importance.

[1] 3 and 4 Anne, cap. 5. [2] 3 Geo. II, cap. 28. [3] Child, p. 204.

He counted the general result advantageous to the mother country; for, if the northern colonies found markets for their provisions, they would not be tempted to set up manufactures but would expend the profits of their trade in buying from England. His general conclusion was that the northern colonies were a benefit so long as the country possessed the sugar islands. If by any chance the islands in the West Indies were lost they would become "prejudicial colonies to their mother country".[1] He carried the discussion a step further than Child did; but he still gave to the northern colonies a secondary place in the colonial system.

The attempt to prescribe what the colonies should produce, based as it was on what was considered desirable rather than on an enquiry as to what was possible, was bound to meet with disappointments. Natural development of the resources which the colonists found to hand did not fit in with what the mercantilists conceived to be the interests of the mother country. Nor was it possible to restrict them to the extractive industries. Their needs as pioneers opening up a new country, their knowledge of industrial processes as emigrants from an old country, the potentialities of their new environment, were all factors likely to create opposing interests, which could not be reconciled within the narrow limits of any preconceived system. To clothe themselves the colonists were forced to make homespuns; but the transition from supplying the wants of the household to those of a local market was easy when production, even in the mother country, still depended on the use of the spinning-wheel and the hand-loom. It is true that England could hold her own in quality. For rough use, however, colonial woollens had the advantage of immediate access to the purchasers with the economies that involved.

In view of the importance attached to the woollen industry as the staple industry of England it is not remarkable that the Board of Trade should have made an enquiry into its position one of its first tasks. That it apprehended a danger from Irish competition and recommended the restrictions which were imposed in 1699 is well known. The Board of Trade had represented to the House of Commons at the same time that "Notwithstanding it was the intent in settling our Plantations in America that the people there should be only employed in such things as are not the product of this kingdom... yet New England and other Northern Colonies have applied themselves too much, besides other things, to the improvement of woollen manufactures amongst themselves, which in its proportion is as prejudicial to this kingdom as the working of those manufactures in Ireland; wherefore it is submitted the like prohibition be made with relation to them".[2] Powers were accordingly taken to prevent the

[1] Wood, pp. 145–9 (cf. Davenant, II, 24).
[2] *Cal. St. Pap. Col., Addenda*, 1621–98, pp. 17–18.

export of wool and woollens from the colonies to the British Isles or foreign countries or even from one colony to another.[1] Probably the prohibition was no particular hardship at the time, even if it was enforced, for the individual colonies wished to retain the wool they grew for their own use, and the local manufacture of woollens had not made much progress. In the next year the more sensible step was taken of trying to discourage the development of the industry in the colonies by removing the heavy export duties which had been levied in England on woollens shipped to America. The manufacturers, however, still remained uneasy about possibilities in the colonies. The Board of Trade reported in 1703 that skilled English workers were being induced to emigrate, and there is evidence that during the War of the Spanish Succession the northern colonies had to supply their own requirements and that their manufacture of woollens made some progress. Joseph Dudley, Governor of Massachusetts, reported to the Board of Trade in March 1709 that "the woollen trade from England is in a great measure abated, the people here clothing themselves with their own wool".[2] The reasons he ascribed for this were the high price of English woollens and the difficulty of securing return cargoes to pay for imports.

The members of the Board of Trade realised, indeed, that the growth of manufactures in the northern colonies could only be prevented if the colonists had a market for their provisions, and if they could discover some commodities which might be produced for export to the mother country. For while their provisions might advantageously be sold in the other Plantations, they could not be allowed to enter England. Ships sometimes waited in the northern ports for months before they could secure a return cargo. In these circumstances the Board of Trade took up again the old suggestion of giving encouragement to the production of naval stores. They had the advantage of the active support of Richard Coote, Earl of Bellomont, who as Governor of New York, Massachusetts and New Hampshire was convinced that the resources of the colonies could be exploited. He saw that, if the colonial commodities were to compete with the Baltic supplies, it was a question of working out very carefully the costs of production—particularly the labour costs—and of facilitating transport. Bellomont died in office before he could do much, but his efforts would probably have been fruitless had not the outbreak of the War of the Spanish Succession raised a new issue. Sweden had formed a company—the Stockholm Tar Company—which was to enjoy a monopoly of the trade in tar and pitch. The Company regulated the quantities to be sold and thereby controlled prices, and it was also provided that the export of the tar and pitch should be confined to Swedish shipping. This action greatly strengthened the hands of the advocates of the scheme to encourage the

[1] 10 and 11 Will. III, cap. 10. [2] *Cal. St. Pap. Col.* 1708–9, p. 236.

production of naval stores in the British colonies. The Board of Trade recommended that subsidies should be offered for an initial period at least.[1] In 1705, therefore, an Act was passed which was to remain in force for nine years in the first instance. Naval stores were included among the enumerated articles. Bounties were to be given on the importation into England of naval stores, £4 a ton on tar and pitch, £3 on resin and turpentine, £6 a ton on hemp and £1 a ton on masts, yards and bowsprits.[2] The premium was to be paid on the receipt of the proper certificate by the Commissioners of the Navy. The attitude of Sweden and the payment of bounties gave the colonists the opportunity of establishing the industry, for they could now meet the high costs of production.

Lord Bellomont had entertained the idea of getting cheap labour by employing soldiers to prepare naval stores, giving them a small addition to their regular pay. In 1710 a project of this kind was actually taken up by the Government in interesting circumstances. Three thousand Germans, who had sought refuge in England from the war-devastated Palatinate, were shipped to New York at the expense of the Government. They were to be indentured servants until they had repaid the capital advanced for their passage and settlement. During this period they were to produce tar, pitch, turpentine and resin from the trees on the banks of the Hudson River. The scheme proved a failure. The white pines of New York were not suited for the purpose; the Germans had no knowledge of the work they were expected to do and became discontented; and in the end the Government ceased to give any further financial support.[3]

Suspicion of the economic tendencies in the northern colonies was somewhat allayed by the course of events during the War of the Spanish Succession. It had to be acknowledged that as a source of supplies for the West Indian colonies they had played an important part. The Board of Trade itself reported in 1709 that the West Indies "would not be able to carry on their trade, or even to subsist (especially in time of war) without the necessary supplies from the northern Plantations of bread, drink, fish and flesh of cattle, and horses for cultivating their plantations, of lumber and staves for casks for their sugar, rum and molasses, and of timber for building their houses and sugar works".[4] In addition, the advocates of the production of naval stores had, through favouring circumstances, been able to get the payment of bounties on them. In these two directions it might be possible to solve the problem of giving the growing population of the northern colonies the means of exchanging their natural products either indirectly or directly for the manufactures of the mother country.

[1] *Cal. St. Pap. Col.* 1704–5, p. 177.
[2] 3 and 4 Anne, cap. 10.
[3] Cobb, S. H., *The Story of the Palatines*, ch. iv, v.
[4] Quoted by Andrews, C. M., *The Colonial Background of the American Revolution*, p. 90.

But the prospects were not altogether reassuring. If the northern colonies devoted much attention to the supplying of the West Indies with provisions, they would probably arrive at a point when the British islands there would not afford a sufficiently extensive market. The temptation then would be to trade with the foreign islands, particularly with those belonging to France. With respect to naval stores it was already fairly clear that the bounties would be more successful in evoking supplies of tar and pitch than in encouraging the production of hemp and timber. Tar and pitch, however, came mainly from Carolina where the existence of suitable pine forests contributed the support of natural resources to the assistance of the bounty policy. Nor could the mercantilists overlook the fact that the Government had been induced to pay bounties not so much by their arguments as by the special circumstances of the moment. There might be a reaction against the policy when it proved expensive in peace time.

The terms of the Treaty of Utrecht influenced colonial history for the next generation. Not that Great Britain's acquisitions in America were particularly important in themselves. The abandonment by France of her territorial claims in Newfoundland must be set against the acknowledgment of her right to dry fish on a defined part of the coast about which disputes inevitably arose. The cession of Acadia and the recognition of British claims in the Hudson Bay territory also carried with them the seeds of future trouble because in neither case were definite boundaries established. Contemporary opinion, indeed, did not set much store on territorial expansion as such, the mercantilist view being that new land might be a source of weakness unless it were peopled, and the drain on the home population was already considerable enough. "Number of men", writes Wood, "are to be preferred to the largeness of dominion."[1] The only acquisition which was obviously a gain was that of the French half of the island of St Christopher because it made it possible to reduce the British garrison in the island, and it added some 20,000 acres of land for sugar plantation.

From the commercial point of view the most important result of the peace negotiations with France was a negative one, namely, that they did not lead to the placing of trade relations between the two countries on a more liberal basis. The Tories, to whom the task of making the peace fell, proposed that Great Britain should adopt a low tariff on French commodities, and that each country should accord the other most favoured nation treatment. The Whigs, strongly supported by the merchants and manufacturers who profited from the existing system of high tariffs, and appealing to the bugbear of the balance, succeeded in defeating these proposals. While the Tories professed a belief in the ability of British manufactures to hold their own against French goods and insisted on the

[1] Wood, p. 162.

benefits which would arise from greater freedom of trade, their opponents were wedded to the idea of regulation. There was, they alleged, a certainty of a heavy adverse balance if the suggested commercial treaty was ratified. Joshua Gee, who was prominent in supporting the opposition, afterwards restated his conviction that "France, above all other nations, is the worst for England to trade with: it produces most things necessary for life, and wants very little either for luxury or convenience..."[1] supplying her own requirements and having a large population and therefore cheap labour, she could, it was insisted, successfully invade the British market and deprive the country of its treasure. Consequently it was essential in the national interest to restrict trade with France and to find outlets elsewhere.

The desire to avoid unfavourable balances with particular countries led to the conception of a self-contained Empire, each part making its contribution to the development of the whole. The course of trade was to be turned to the British colonies in America and diverted from the natural channels which caused it to flow towards the Baltic, France and other foreign countries. In this way it was supposed that all the advantages of trade would be conserved, no foreign country being able to gain any advantages on the balance. The defeat of the Tory policy in 1713 placed upon the Board of Trade the responsibility of working out the details of such a scheme. It was a formidable task. The merchants who had become prominent in the controversy regarding the proposed commercial treaty were constantly consulted about the best course to take. They naturally recommended that the encouragement given to the production of naval stores should be maintained. In 1713 the principle of granting bounties on colonial produce was extended for a further period,[2] but the enthusiasts found that the policy was not generally acceptable. The Admiralty criticised the quality of the colonial products, the Treasury was alarmed at the expense involved, and the Eastland merchants were naturally anxious to maintain the Baltic trade. To meet the attacks on the quality it was agreed that the Custom House officers should have the right to open and test barrels of tar and pitch before granting the certificate for the payment of the bounty.[3] As to the cost to the Treasury, William Wood argued "we ought not to regard the expense of any present encouragement at first, when we consider the future advantages and security, not only of our trade and navigation, but of all His Majesty's dominions: and 'tis most certain, whatever shall be paid the northern colonies as a bounty at first to enter heartily and cheerfully upon the doing of this will not be lost to the nation, but still remain with us; which cannot be said of what we pay to the East Country (over and above what they take from us in manufactures) which...amounts to about £200,000 a year, and

[1] Gee, p. 14. [2] 12 Anne, cap. 9. [3] 5 Geo. I, cap. 2, secs. 16 and 17.

would be so much saved to the nation, could we have the same from our own people".[1] Joshua Gee in his *Trade and Navigation of Great Britain considered* gives some account of the enquiries conducted by the Board of Trade immediately after the Peace of 1713. He was consulted and asked to commit his recommendations to writing; and in the memorandum he prepared he sketched an ambitious programme. He wished to see the production of tar and pitch further encouraged, iron obtained from the colonies, and large ships built suitable for the timber trade.[2] The members of the Board, he says, were favourable to his proposals, but he was disappointed with the attitude of the House of Commons, where "very few gentlemen seemed to have any notion of the difficulty we were under for naval stores, nor of the great advantage of being independent of all foreign powers for those commodities, nor apprehensive of the difference of purchasing every thing we wanted with our ready money from foreigners, and raising them in our own Plantations, nor of the advantages of raising materials for employing and setting to work more than a million of vagrant indolent wretches, whose time is spent in corrupting the industrious, or roving about the kingdom, or begging from door to door".[3] It is quite clear from this and other indications that the landed interest in the House of Commons could not easily be aroused to support the schemes of the mercantilists. Gee's contention that new enterprises will always be subject to accidents and discouragements too difficult for private persons to surmount without the assistance of the public[4] probably struck them as a doctrine which might involve heavy financial liabilities. Nor were they likely to accept his conclusion that, because bounties on corn had proved advantageous, other bounties would, therefore, necessarily be of benefit to the nation, though here he would seem to be addressing himself to their prejudices.[5]

The Board of Trade, however, continued to press the case for naval stores. In a comprehensive review made in 1721 the Board declared that supplies of tar and pitch from the colonies had been so abundant that home prices had been reduced and much money had been saved on the balance of trade with the Baltic. The King's speech at the opening of Parliament in October of the same year made special reference to the subject. This was followed by an Act which continued the bounty on hemp and also removed the customs duty on clean hemp entering this country from the colonies. It had been complained that the colonial tar was too hot and burned the cordage, and provision was made that the bounty should not be paid unless the governor of the colony gave a certificate that the tar had been prepared in the prescribed manner.[6]

[1] Wood, *A Survey of Trade*, p. 150.
[2] Gee, *Trade and Navigation* (new ed. 1767), pp. 210–11.
[3] *Ibid.* pp. 211–12.
[4] *Ibid.* p. 224.
[5] *Ibid.* p. 226.
[6] 8 Geo. I, cap. 12.

All this concern about naval stores was partly due to the growing recognition of the fact that in the years following the Peace of Utrecht it was becoming more and more difficult to maintain that commercial equilibrium in the colonies which mercantilist principles demanded. The northern colonies were not responding to the policy of the Board of Trade, and that through no fault of their own. They were developing rapidly, and yet their direct trade with the mother country was comparatively small because, as already shown, they could not produce commodities which Great Britain would admit. The temptation to set up their own industries in order to limit the demand for British manufactures was particularly strong. To bribe them not to do so by spending large sums of money on stimulating the production of naval stores was really beyond the means of the mother country; and in view of the resources of the colonies it would have been wasteful. There remained the possibility of allowing them to concentrate on the provision trade. As far as they supplied the needs of the southern colonies and the British West Indies this was compatible with the mercantile system. It was better that Great Britain should send manufactured goods to the colonies than that she should send provisions. Cheap and abundant supplies of provisions were as important to the sugar and tobacco colonies as cheap labour; in fact, they gave the same result when costs of production came to be estimated. There was, however, a limit to this policy. The northern colonies would not continue to send cattle, timber and provisions to the others if they found that the market was over-supplied, and if there were opportunities of sale elsewhere at a higher price. Such opportunities did in fact offer themselves. "Soon after the Peace of Utrecht", according to Postlethwayt,[1] "a pernicious commerce began to show itself, between the British northern colonies and the French sugar colonies, which began with bartering the lumber of the former for French sugar and molasses."

In theory, the British and French colonies should have been of exclusive advantage to their respective mother countries, but the only way to make sure of this would have been to prevent one group from dealing with the other. Both Great Britain and France had continental and island colonies, and each country would have preferred a system of self-sufficiency. A treaty of neutrality had in fact been agreed to by England and France in 1686[2] under the terms of which neither Power was to trade with the other's possessions. As matters stood, however, it was impossible for the French settlements in Canada and Louisiana to supply what the French West Indies required: it was also becoming increasingly obvious that the British northern colonies could produce more than the British West Indies

[1] Postlethwayt, Malachy, *Britain's Commercial Interest explained and improved* (1757), I, 485.

[2] Dumont, J., *Corps universel diplomatique*, vol. VII, pt II, pp. 141 seqq.

wanted. The natural course was for the northern colonies to send what they could not profitably dispose of within the British system to supply what was lacking in the French system. To this the British mercantilists opposed a twofold objection. It would assist in the economic development of the French sugar colonies, and it would hamper that of the British, giving the former the means to increase the area under cultivation and depriving the latter of cheap cattle, timber and provisions.

The problems which the Board of Trade had to face owing to the development in the sugar trade were sufficiently bewildering. In the closing decades of the seventeenth century England had enjoyed the leading place as the purveyor of sugar to the European countries. She greatly valued the benefits arising from the import and re-export of raw and refined sugar. As an enumerated article it had to be exported in the first instance either to England or to one of her colonies; in the one case it paid import duties and in the other the Plantation duties on export. The yield of these duties was a direct contribution to the revenue which the State did not want to forgo. But it was strongly represented in the years immediately following the Peace of Utrecht that sugar was so burdened by these charges that it was losing the foreign market. That there had been a steady decline in the re-export of sugar was beyond question. The Board of Trade had to explore the causes of this decline. The merchants who were consulted pointed out that there had been a great increase of home consumption of sugar and consequently there was not the same surplus available for re-export. This was undoubtedly true; but it did not explain why European countries were not offering high prices for what they could get. Sugar was not dear on the continent because foreign sugar plantations—Dutch, French and Portuguese—were now producing it at lower cost than the British could. Their main advantage would seem to have been that the soil they were using was less exhausted. The West Indian interest contended that British sugar bore heavier charges than foreign, and demanded the right of direct export to the continent, i.e. the removal of sugar from the list of enumerated articles. To this the Board of Trade was opposed, and in 1724 it recommended that the principle of enumeration should be maintained. The arguments in favour of this seemed conclusive from the British point of view. Direct export from the West Indies to the continent, if it took place on a large scale, would mean that less sugar would enter this country, and since the British demand was unlikely to decline—for the consumption of tea and coffee was increasing year by year—consumers would have to pay more for their sugar and the revenue would also suffer. There was the additional danger that, if sugar were shipped direct to the continent, it would be impossible to prevent the influx of foreign manufactures into the West Indies as return cargoes.

Now that the British West Indies had serious competitors, it became of some significance that the principle of enumeration merely governed the question of the first destination of exported sugar. Great Britain had as a matter of fact bestowed substantial preference on British West Indian sugar, but no general law restricted either the mother country or the colonies as to what sugar they should import. Each colony was free to adopt what course it pleased. There was, indeed, the general bar on trade with French Plantations contained in the treaty of neutrality of 1686, which has already been noticed. When the West Indian planters in 1714 complained of the effects of the trade between the northern colonies and foreign possessions, the Board of Trade drew attention to this treaty. Three years later it advised the colonial governors that such trade was illegal and that the terms of the treaty ought to be observed. But legal opinion was sought and gave an interpretation of the treaty which made it practically useless as an instrument for suppressing trade between British and French colonies. The treaty, it was held, did not empower either of the contracting parties to seize and confiscate the ships and goods of their own subjects for contravening its articles; had it been intended to do this, confirmation of the treaty either by Act of Parliament in Great Britain or by acts of Assembly in the colonies would have been necessary. Before this ruling the treaty had not been seriously regarded; it now became a virtual dead-letter, because the French, who wished to take advantage of such trade, were not likely to seize British ships for trading with their Plantations in defiance of the treaty. The British planters asserted indeed that it was "a traffic not taken up casually or by chance but the result of a well weighed plan formed or at least approved by the Court of France...and intended to be steadily and regularly pursued".[1] In any case the treaty of neutrality did not apply to trade between the British Plantations and those of European countries other than France, though the supply of provisions to the Dutch and Danish islands gave rise to the same objections.

The position was complicated by the fact that the practice of importing foreign sugar was not confined to the continental colonies. The British West Indies bought sugar in the foreign Plantations and sent it to Great Britain as though it were their own production. Barbados, for instance, carried on a considerable trade for this purpose with Martinique prior to 1715, when a local act was passed which placed prohibitive duties on the importation of French goods. Merchants were buying French sugar cheaply and getting it into Great Britain at half rates as a British product, thus defrauding the revenue and augmenting the supply to such an extent as to lower prices. This tendency naturally alarmed the planters, and the policy

[1] *Memorial of Sugar Planters, Merchants and others....* See Pitman, F. W., *The Development of the British West Indies*, 1700–1763, App. XI.

of prohibition was adopted in their interest.[1] But they gained little from it, because the Act of 1715, in so far as it was enforced, raised the price of Barbados sugar and consequently made it less attractive to buyers in the continental colonies. Still the planters clung to the policy of maintaining prices, and there was a demand that similar prohibitive legislation should be adopted in the Leeward Islands. Antigua passed an act in 1716 which prohibited the importation of any foreign sugar, rum or molasses. The planters did not realise that it was futile to attempt to keep up prices unless they could control the supply of sugar. The exclusion of French sugar from the British West Indies merely drove it to other markets where it had easy access because it was cheap. Taking all the circumstances into consideration the Board of Trade advised the Privy Council that the Antigua law should be disallowed. This was done by Order in Council of 26 May 1719.[2] Two years later an act of the Jamaica legislature to prohibit trade between that island and San Domingo was similarly set aside.

If it was difficult to reconcile the interests of merchants and planters in the West Indies, it was still more difficult to deal with the problems raised by the growing trade between the northern colonies and the foreign sugar islands. On the one hand, there were factors which tended to make British sugar dear—the increasing costs of production, the restrictive policy of the planters, and the Plantation duties which had to be paid on an enumerated article if shipped to another British colony. On the other hand, foreign sugar was produced at low costs, the area under cultivation was rapidly extending, and foreign planters were anxious to secure provisions and other supplies from the mainland. In particular the French Plantations were able to offer molasses at a low price because its export to France was discouraged in the interests of the home production of brandy. It was natural, therefore, that the British colonies, where the distillation of molasses into rum was a rising industry, should be ready to buy up these supplies, and this meant that the continental colonies found a market for their timber, provisions and live-stock outside the British system. The economic bonds between New England, New York and Pennsylvania and Guadeloupe and Martinique in particular were drawn close in the decade following the Treaty of Utrecht; the political boundaries to which both British and French mercantilists attached so much importance were overstepped and a great contraband trade sprang up. This trade was to the mutual advantage of the continental colonies and the foreign Plantations, but it was a clear challenge to the principles on which the colonial system was based. The British West Indies appealed to the mother country to intervene in their behalf, and the Board of Trade recognised that the

[1] See report of Charles Dunbar, surveyor-general of customs for Barbados and the Leeward Islands, 24 Dec. 1717, Pitman, *op. cit.* pp. 229–30.

[2] *A.P.C., Col.* II, 387.

trade was a very great discouragement to the sugar planters in the British islands. But it had also to be admitted that the northern colonies could not find an adequate market for their goods within the Empire. The Board of Trade had no better solution to offer than the old one of encouraging the production of naval stores, because "the northern colonies would be thereby enabled to pay their balance to England without lying under the necessity of carrying on a trade to foreign ports in some respect detrimental to their mother country".[1]

The case against the trade between the continental colonies and the French West Indies was politico-economic. The mercantilists could not reconcile themselves to the fact that it contributed to the development of the French Plantations and to that extent was what they would designate as pernicious. They also set a high value on the sugar trade and were greatly concerned about the relative decline of the British interest in it. In the earlier phase of the colonial system Great Britain had imported enough sugar to meet her requirements and to maintain a dominant position on the continent by the re-export of the surplus. Re-export, however, depended on monopoly or the underselling of competitors. In the face of cheap foreign supplies monopoly was out of the question, and competition was admittedly difficult. There seemed to be three possible ways of strengthening the competitive power of British sugar. (i) The duties on the commodity could be reduced; (ii) sugar could be removed from the list of enumerated articles and its direct export to foreign countries permitted; or (iii) costs of production could be lowered by enabling the British West Indies to secure necessaries at a cheaper rate. The first proposal involved a probable loss to the Exchequer, the second would jeopardise the gains from shipping, and the third meant the imposing of restrictions on the trade of the continental colonies. Barbados endeavoured to bring matters to an issue in 1730 by sending two petitions to the King on the question of inter-colonial trade. These were referred by the Privy Council to the Board of Trade. Counter petitions were received from the northern colonies. In the following year, however, the West Indian interest adopted an interesting change in tactics; they asked for leave to withdraw their petitions and placed their case before the House of Commons. The members of the Board of Trade had already shown that they appreciated the contentions of the northern colonists and recognised that it was their duty to consider the interests of the Empire as a whole. But in the House of Commons a strongly organised party could employ methods which might secure the victory for a sectional interest. Moreover, if an Act of Parliament restricting trade with the foreign Plantations were passed, it would be a weapon much

[1] Representation to H.M. on the State of the Plantations in America, 8 Sept. 1721, printed in *New York Col. Docs.* v, 591–630.

superior to any orders issued by the Privy Council and much less likely to be modified in the immediate future. A Committee of the House of Commons heard evidence on the extent of the trade with the French Plantations, comparative prices and fiscal burdens. It was well calculated to arouse prejudices. One witness, for instance, asserted that it was the sale which the French had for molasses in the northern colonies that enabled them to produce sugar on such a large scale and sell it cheaply in Europe.[1]

As a result of the enquiry a bill was drafted which incorporated all that the West Indian interest demanded. The importation of foreign sugar, molasses or rum into Great Britain, Ireland or any British dominion was to be forbidden, and foreign sugar Plantations were not to be supplied with horses or timber. The representatives of the continental colonies sent in strong protests against the bill, and all the old arguments for and against it were restated in the controversy between the opposing interests. On the one side, depression in the British sugar islands and the development of the foreign Plantations were patent facts; on the other, the value of the foreign West Indian market to the northern colonies could not be denied. It was a question whether the British planters were to be given protection at the expense of the northern colonists. The House of Commons decided in favour of doing so; but the opposition succeeded in getting the House of Lords to delay a decision. In the following session the bill was reintroduced in the Commons and passed by a substantial majority of seventy-three, but again the House of Lords adjourned without taking definite action. In 1733, however, the bill passed the two Houses and became law. The Act[2]—commonly known as the Molasses Act—is entitled "An Act for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in America". Duties were imposed on sugar, molasses and rum imported into the continental colonies from foreign Plantations —five shillings a hundred-weight on sugar, sixpence a gallon on molasses and ninepence a gallon on rum. These heavy duties would have ruined the trade had they been rigorously imposed, but, despite the penalties laid down in the Act, enforcement was impossible. In its final form the Act did not forbid the sending of cargoes to the foreign islands, the duties charged on return cargoes of sugar and molasses evidently being considered a sufficient discouragement to such trade. Consequently if the payment of duties could be evaded —as it largely could be—profitable intercourse between the northern colonies and the foreign West Indies could still be maintained.

The British planters were forced to be content with other concessions which were designed to assist them to recover the European markets. One section of the Act granted them a drawback of the whole duty on sugar re-exported from Great Britain within a year

[1] A *résumé* of the evidence is given in *C.J.* xxi, 685–9.

[2] 6 Geo. II, cap. 13.

of its importation. The bounty on refined sugar exported from Great Britain was also raised. They continued to agitate, however, for permission to export sugar directly to the continent, and in 1739 they at last secured this privilege.[1] An attempt was made to safeguard British shipping interests by requiring that all ships laden with sugar and bound for northern Europe should touch at a British port, while ships going to ports south of Cape Finisterre had to call at a British port before returning across the Atlantic. It would seem that comparatively little direct trade was actually established, for British West Indian sugar was not able to compete with rival supplies in the European market. Still the planters now had the power to divert cargoes to the continent if they were not satisfied with the prices offered in Great Britain.

The strength of the West Indian interest had become a dominant factor in the control of colonial policy. This is to be explained partly by the survival of the older conceptions of the purposes to be served by colonies, and partly by the emergence of an organised group in the House of Commons. The presumption was still in favour of tropical colonies. Their exploitation naturally called into being interests which were prepared to support their claims by incessant argument, and did not disdain the judicious expenditure of money in quarters where it might be effective. The extent of British investment in the sugar colonies is difficult to ascertain, but there is good reason to believe that in the eighteenth century more capital was attracted from Great Britain to this enterprise than to any other. The advances usually took the form of affording long credits on goods exported to the West Indies. It was, therefore, a matter of considerable importance that the planters should be able to meet their obligations punctually. Depression of trade, from whatever cause, would make it impossible for them to do so; and investors would naturally demand such measures as they supposed necessary to restore the prosperity of the islands. There are many indications that those who were interested in the West Indies enjoyed positions of social prestige and political influence at home. They were able to promote a vigorous pamphleteering campaign when they wished, and they could count on strong support in the House of Commons. The West Indian interest tended to stereotype the colonial system. It lent the full weight of its prejudices to perpetuating the mercantilist view of the value of colonies, when the developments in the continental colonies urgently demanded the modification of policy. To attempt to arrest development by protecting the interests of the sugar planters was merely to court disaster. Colonisation was too accidental in its inception and too uncertain in its consequences to fit into a hard and fast system. Colonial policy required to be adaptable. To be rigid in changing circumstances is often to be rendered ridiculous by the

[1] 12 Geo. II, cap. 30.

event. The Molasses Act might be justified by the maxims of mercantilism and might accord with the interests of the West Indian planters; but the fact remained that it made an important part of the trade of the northern colonies virtually impossible if the provisions of the Act were obeyed, or illicit if they were disregarded. The New England colonies had shown themselves unceasingly active in political opposition to the Imperial Government ever since their foundation, and the addition of flagrant economic grievances to their many political complaints was bound to make their opposition much more dangerous. The difficulty was possibly unavoidable, but the situation was rapidly proving itself beyond the competence of the mercantile theorists, and manifestly contained the germs of serious trouble to the Empire.

The problems raised by the production of sugar are the best illustration of the conflict of economic interests in the colonies themselves. For an example of the difficulty of reconciling the interests of the colonies with those of the mother country reference must be made to the iron industry. In the first part of the eighteenth century the output of iron in England was restricted by the shortage of fuel. Large quantities of bar iron had to be imported, mostly from Sweden. This naturally raised the twofold question of the possible danger of dependence on a source of supply which might be cut off at any time, and the adverse effect on the balance of trade even if the supply was assured. It was known that there were extensive deposits of iron ore in the colonies and the forests were an abundant source of timber for the making of charcoal. Experiments had been made in Virginia and Maryland, and the New England colonies had attempted to supply the requirements of their shipyards. The English ironmasters, however, viewed these developments with suspicion. They were anxious to keep the colonial markets, particularly for wrought iron and hardware, for themselves. At the beginning of the century they had petitioned against the giving of a drawback on foreign wrought iron goods re-exported from England to the colonies, and Parliament acceded to their petition. They quite realised, however, that the attempt to monopolise the colonial markets might tend to promote iron manufactures there. The problem was how to subordinate iron production in the colonies to the interests of the industry in the mother country. Could pig and bar iron be regarded as the raw materials of British industries? This question was raised as a practical issue in 1717 when strained relations with Sweden led to the prohibition by proclamation of all trade with that country. The prices of iron soared to the dismay of merchants and hardware manufacturers. It was therefore proposed to find a new source of supply by including bar and pig iron in the list of goods the production of which was to be encouraged in the colonies under the head of naval stores. A bill to give effect to these suggestions was strongly opposed by the iron-

masters; and it did not become law, for the crisis caused by the strained relations with Sweden ended with the death of Charles XII.

In the following twenty years the production of iron made steady progress in the American colonies, and the export from Virginia and Maryland slowly increased. Great Britain itself still depended on Sweden and to a growing extent on Russia for considerable supplies of bar iron.[1] It was computed that England imported annually about 20,000 tons of foreign iron, of which 15,000 tons came from Sweden and 5000 tons from Russia. Between 1729 and 1735 the annual import of iron from the American Colonies was 2111 tons. "It is strange", Gee says ruefully, "that this great charge to the nation should not be thought of, and encouragement given to the subjects of this kingdom to set up iron works in the Plantations, and there employ the national stock, rather than let foreigners run away with so great a sum."[2] A number of merchants did raise the question of encouraging the importation of pig and bar iron from the colonies in 1737; but they found the opposition as powerful as ever. The Committee of the House of Commons, to which the matter was referred, reported that any encouragement would be prejudicial to iron smelting at home, and the House itself so far from sympathising with the petitioners was prepared to impose restrictions on the colonial industry. Again the question was allowed to drop. In the presence of the divergent interests legislation was impossible until 1750 when the French orientation of Swedish policy induced the House of Commons to attempt to find a solution. A compromise was embodied in the Act then passed.[3] Colonial bar iron was to be imported to London—and London only—duty free, for since the London craftsmen normally used Swedish iron, the English ironmasters had no strong objection to this concession. It was, however, laid down that colonial bar iron should not be sent coastwise or more than ten miles by land from London. These limitations, which were removed in 1757, were based on apprehensions which had little foundation, for the importation of bar iron from America remained small during the whole colonial period. Before the passing of the Act large quantities of pig iron were being imported on the payment of a duty of 3*s*. 9½*d*. a ton, and the removal of this charge together with the growth of the industry in the colonies was followed by an increase in importation. But colonial iron—pig and bar—was never more than about a tenth of the total import of Great Britain, and dependence on Sweden and Russia was ultimately removed by technical changes in the industry itself. The removal of duties on the import of colonial iron, since the duty on pig iron was small and bar iron could only enter through the port of London, was a slight concession to the colonies; yet it was counterbalanced in the Act by clauses which forbade the colonists to

[1] Scrivenor, H., *History of the Iron Trade*, pp. 72 and 81.
[2] Gee (ed. of 1767), pp. 116–17.
[3] 23 Geo. II, cap. 29.

establish mills for rolling and slitting iron, or to set up plating forges and steel furnaces. These restrictions, so far as they were enforced, affected the northern colonies rather than the southern, for in the latter it was pig iron that was usually produced. The extent of the hardship they involved is impossible to assess. In some cases they were seriously regarded, in others they were not; but the colonial iron industry as a whole was as yet in too primitive a condition to feel the full effect of such prohibitions. It is significant, however, that with iron as with sugar, colonial policy threatened to bear heavily on the northern colonies.

By the middle of the century circumstances were calling for a revision of opinion on the relative importance of the colonies. The fact could not be disguised that the potentialities of the West Indies had been over-estimated. Jamaica, which had been declared "the most valuable Plantation belonging to the Crown", the loss of which would "probably be followed with the ruin of our interest in America",[1] had proved a disappointment. Despite the variety of its soil and the diversity of its crops—sugar, coffee, cotton, ginger and pimento—its white population was only about 12,000. There and elsewhere in the West Indies the growth of the white population seemed to be arrested. This was due to a number of causes. White settlers were ignorant of the nature of tropical diseases; their diet, with an excessive consumption of meat and rum, made them easy victims to the frequent epidemics. The mortality among children was high. Consequently any increase in population depended on immigration, and this was discouraged by the prevailing economic system. Planters found it profitable to cultivate large areas by means of slave labour, and there was little opening for poor whites. Attempts were made indeed by means of "deficiency laws" to insist that a certain proportion should be maintained between the number of blacks and whites employed; but these were unsuccessful because planters preferred paying the fine for breaking the law to incurring the expense of observing it. In fact, the fines became a recognised source of local revenue. In Barbados, which was the most flourishing island in the first part of the eighteenth century, the white population never reached 20,000, while the number of slaves is said to have amounted to 70,000 in 1762. Such figures as can be obtained reveal a similar position in the Leeward Islands—a stationary or even declining white and an increasing slave population. While the white population of the British West Indies was possibly 40,000 and showed no tendency to a natural increase, the population of the continental colonies exhibited that capacity for doubling itself in a generation which afterwards attracted the attention of Malthus. By the middle of the century there were well over a million white inhabitants in these colonies and something like 300,000 negroes, mostly in the tobacco

[1] Wood, *A Survey of Trade*, pp. 173–4.

plantations of Virginia and Maryland and the rice fields of Carolina. This growth of population—mostly by natural increase—had its effect on trade. In the first part of the century the export of tobacco, rice, etc., from the southern colonies had made the value of goods sent to Great Britain from the continental colonies taken as a whole exceed that of the imports from the mother country, i.e. the balance was unfavourable to the mother country. But by the middle of the century the development of the northern and middle colonies not only greatly increased the demand for British goods, but so changed the relative position of north and south that the trade with the continental colonies as a whole became favourable to Great Britain. Since this American demand was largely for manufactured articles, and industrial development in Great Britain was tending to give greater weight to home manufactures than to trade in tropical staples, a new value was set on the northern colonies.

Suspicion of the objectives of French policy on the mainland also provoked thought on the question of the future of the British colonies. During the years following the War of the Austrian Succession the French pursued a policy of building forts with the apparent intention of connecting their settlements in Canada with those in Louisiana. The methodical way in which they set about their work aroused considerable alarm. Contemporaries contrasted the French unity of purpose with the suspicion existing between one British colony and another, the constant dissensions between governors and councils in particular colonies, and the illicit trade which was carried on with foreign Plantations. The French were at once enemies to be countered and models to be copied. In the West Indies they encouraged the settlement of white servants; they advanced capital in the form of stock and implements and made it repayable by instalments; and they limited the amount of land an individual could acquire.[1] By the work of missionaries and by intermarriage, the French, it was said, had bound the Indians to their interest, and in the event of war they might unite with the French to drive the British into the sea.[2]

The defence of the continental colonies was indeed becoming a pressing issue. It meant expense, and the mercantilist conception of the colonial system did not include any clear view as to how the expense should be met. Colonies, it was supposed, should pay their way and by means of commercial regulations should be made to contribute something to the mother country. The possession of colonies ought to confer benefits and not involve liabilities. The sea might be policed by the Navy at the expense of the mother country, for this made trade possible and helped to enforce the rules that governed it; but colonies should in time of peace provide for their own defence against Indians and in time of war should assist the

[1] Tucker, Josiah, *Essay on the Advantages and Disadvantages which respectively attend France and Great Britain with regard to Trade* (1753), pp. 22–3.

[2] Postlethwayt, I, 432.

mother country if local difficulties arose. Imperial defence was a new problem. The mother country could neither assume full responsibility for it, nor could she induce the colonies to enter into a union among themselves. With the outbreak of the Seven Years' War the question became acute and the attempt to solve it was at the root of the subsequent misunderstandings. By her exertions Great Britain succeeded in expelling the French from Canada; but the effort had involved heavy expenditure, without, as was felt, proper support by the colonists. From the moment that war began between Great Britain and France the trade between British and French colonies should have ceased, no matter what the sacrifice might be. The very fact that the French depended on British supplies provided a weapon by which they could be easily reduced. In the course of the war, however, trade with the enemy, either direct or indirect, continued, much to the embarrassment of the British Navy. An attempt was made to suppress the brisk trade that developed with the Dutch ports of Curaçoa and St Eustatius by placing an embargo on the export of provisions. This was strengthened by an Act in 1757[1] which prohibited the export of all provisions, except fish and roots and rice under the existing rules, from all colonies to any destination other than Great Britain or a British colony. Still the temptations of the trade were so strong that ways and means for carrying it on were discovered. Under the "Rule of 1756", which laid down the principle that a trade prohibited in peace time cannot be thrown open during war,[2] Dutch ships trading with French Plantations were seized by the Navy. But the rule did not apply to free ports. Monte Christi, an insignificant place actually in Spanish San Domingo but near the border of the French part of the island, developed an extensive trade. The irritation of the Home Government with these subterfuges was strongly expressed by Pitt in his despatch of August 1760, when he asserted that owing to the continuance of the trade France was "principally, if not alone, enabled to sustain, and protract, this long and expensive war".[3] Since the French mainly exchanged sugar and molasses for the provisions supplied by the northern colonies the mother country proposed rigorously to enforce the Molasses Act of 1733. But the capture of the French islands—of Guadeloupe in 1759 and of Martinique in 1762—somewhat relieved the situation in the later phases of the struggle.

The conclusion of the war precipitated a question which, it has been shown, was becoming more insistent as the respective colonies developed their resources. Did the true economic interests of Great Britain lie in the West Indies or on the American continent? The conquests which had been made at the expense of the French forced politicians to answer this question; for it was recognised that if a

[1] 30 Geo. II, cap. 9. [2] *Vide supra*, p. 551.
[3] Kimball, G. S., *Corresp. of Pitt with Col. Governors*, II, 320.

peace was to be arranged by the new Bute administration it would be necessary to restore some of the French possessions. The problem was what should be retained and what returned. There were those who still contended that it was desirable that colonies should produce commodities different from those of the mother country. Great Britain, they pointed out, needed more sugar plantations. The comparative exhaustion of the old soils, with the consequent high price of sugar in the home market, the loss of European markets and the persistent trade between the British and foreign colonies in sugar and molasses, could be adduced as an argument in favour of this view.[1] If Guadeloupe—and possibly Martinique—were retained, the whole position would be changed. The advocates of this plan could show how valuable the trade of Guadeloupe had proved to be since its capture in 1759, and how its temporary incorporation in the British system had eased the position for the northern colonies. The island gave immediate promise of returns which would assist to meet the heavy costs of the war. From the mercantilist point of view the case for its retention was overwhelming. It seems practically certain that public opinion was opposed to returning it to France. But the British West Indian interest strenuously resisted this course. They realised that the acquisition of any of the French islands would mean the relative decline of the older British possessions because they would not be able to compete in costs of production. Monopoly of the market of the mother country was necessary to maintain their prosperity. The West Indian interest, therefore, supported the restoration of the sugar islands to France; and they gained their point, despite the fact that it meant dear sugar in Great Britain and that it limited the British market to which the northern colonies had access. Thus the creation of a vested interest by mercantilist policy engendered an opposition to the further extension of the very principle on which it was grounded.

The chief consideration in favour of keeping Canada was that so long as France was able to pursue her designs on the mainland the continental colonies would not enjoy security. Imperial defence could be advanced as a reason for new territorial commitments. But no obvious and immediate commercial advantage could be alleged. The value of the trade of Canada was not to be compared with that of Guadeloupe. It was somewhat cynically pointed out, too, that to give the continental colonies a sense of security was to run the risk that they would become even less submissive to the mother country than they had been.[2] It was to give them opportunities of indefinite expansion in a climate in which crops could be grown and cattle raised for which a market could most easily be found in the West Indies. The British area in the West Indies had been restricted by

[1] *Vide supra*, p. 503.
[2] [Burke, William], *Remarks on the Letter Address'd to Two Great Men* (1760), p. 50.

the restoration of the islands to France. If the colonists, therefore, returned to their old practice of disregarding the Acts of Trade, the French Plantations would again reap the advantages of adequate supplies of provisions and a good market for sugar and molasses. If the mother country used her experience during the war to suppress illicit trading, she would be countering the natural development of the colonies and provoking opposition. Now that the French menace in Canada had been removed, opposition might well take a new form.

In justice to the colonial system as it worked before 1763 it ought to be judged without reference to subsequent events. But it is difficult to do so. The older writers were inclined to seize upon the details of the commercial policy as a deep-rooted cause of and ample justification for the ultimate revolt of the continental colonies. A reaction against this view has almost gone to the extreme of denying that commercial regulations caused any friction. The truth is that there are no means of establishing any simple generalisation. It has been contended that the attitude of the mother country towards the colonies was dictated by the political exigencies of the moment and was not based on any intelligible economic principles. On the contrary, it has been argued that a clear conception of a well-knit system guided successive governments in attempting to realise the ideal of a self-contained empire. The first view makes it possible to approve or disapprove of isolated cases of interference with the normal economic development of the colonies, or even to applaud a certain amount of "salutary neglect." The latter admits that there was a system against which an indictment might be drawn. But the discussion as to whether there was or was not a system is hardly a fruitful one. A survey of the period as a whole points to the conclusion that the opportunities opened up by colonisation suggested to an age obsessed by mercantilist ideas that the movement could be employed to promote national prosperity, particularly by eliminating adverse balances of trade. In practice, however, the material proved to be intractable. Schemes miscarried and compromises had to be effected. "Sometimes indeed there is a mighty enquiry into trade", complained Joshua Gee, "and persons are called upon to give their thoughts, but commonly those enquiries die."[2] The advocates of a thorough-going application of principles were apt to overlook the difficulty of reconciling opposing interests, and they were too often unmindful of Matthew Decker's warning that "in endeavouring to force nature the expense is certain but the success is doubtful".

There are no means of assessing at all precisely the balance of advantage and disadvantage of such measures as were adopted. The principle of enumeration was undoubtedly designed to bring profit

[1] Beer, G. L., *Commercial Policy of England towards the American Colonies*, p. 89.
[2] Gee (ed. of 1767), p. 115.
[3] Decker, Matthew, *Essay on the Causes of the Decline of Foreign Trade* (1749), p. vi.

to the mother country. This applied especially to the two important staples, tobacco and sugar. The results in these two cases were quite different, though this could not have been foreseen. The supply of tobacco so greatly increased that the price fell and a larger proportion was re-exported. Whether the price would have been higher had the planters been free to export to any market is problematical. The countries of southern Europe would almost certainly have continued to exclude it in favour of other sources of supply, and there is much force in the contention that for northern Europe Great Britain was the natural *entrepôt* for the trade.[1] The sugar planters had a monopoly of the British market, and there is good evidence that they exploited it to their own advantage. When they secured the right of direct export to Europe in 1731, they were not able to make much use of it. The enumeration of copper, beavers and furs in 1722 was of slight importance. Permission was given to export rice to southern Europe when it was shown that its strict enumeration damaged the interests of Carolina. The policy of paying bounties on the production of certain commodities in the colonies was of course a benefit to particular colonial interests. It was mostly unsuccessful with respect to hemp and timber, but large sums were paid out for tar and pitch throughout the colonial period. The Carolinas profited from this expenditure, for they possessed great pine forests; so, although the mother country did not succeed in the original intention of inducing the northern colonies to produce naval stores, she did stimulate a development in the south which was a benefit to the shipbuilding industry in the north. The payment of a bounty on indigo in 1748 promoted the cultivation of it to such an extent that the older trade with India suffered an eclipse.[2] The Carolinas, and to a lesser extent Jamaica and Barbados, benefited from this expenditure. As to the northern colonies the Navigation Acts operated as a bounty on shipbuilding in so far as they restricted the carrying-trade to British ships. The Thames shipbuilders found that the New England colonies with their great supplies of cheap timber could undersell them in the home market. American-built ships were sent either direct to Great Britain for sale or with cargoes to the West Indies, where they unloaded and took freights consigned to British merchants. This sale of ships was a considerable means of making remittances to the mother country. The restrictions on the manufacture of woollens, on the export of hats and on the development of the iron industry were objectionable in principle and to some degree appear to have been oppressive in practice.

Contemporaries were satisfied that the colonial system attained its purpose of promoting the prosperity of the mother country. Statistics

[1] Ashley, Sir Wm., "The Commercial Legislation of England and the American Colonies, 1660–1760" in *Surveys Historic and Economic*, pp. 317–18.

[2] *Econ. Journal*, XXII, 237.

showed that the total volume of British imports and exports had greatly increased and that colonial trade accounted for more than a proportionate share of this increase. Whether this was due to fostering legislation may be doubted. It is known that the Acts of Trade were extensively evaded. When they were observed it does not follow that they turned trade in a direction it would not have taken in the absence of positive enactment. The fact that provision of capital by private investors and the granting of credit facilities may have exercised a greater influence than State regulation was not generally appreciated. The capital available for investment was growing rapidly in Great Britain in the eighteenth century, and in so far as it found its way overseas it went to develop the trade of British settlements in the East and West. Adam Smith was of opinion that mercantilist principles diverted an undue amount of capital to such enterprises, but he probably under-estimated the difficulties of finding outlets elsewhere. Once it was invested it naturally assumed a controlling position, as is amply illustrated by the increasing influence exercised by financial interests in the political life of Great Britain during the period.

The colonies had always suffered from chronic lack of credit. In time of war bills of credit were issued as a simple means of raising supplies, it being provided that they should be redeemed by colonial taxation within a specified period. This device proved so useful that a demand arose for issues in peace time; for such "banks of money" seemed an excellent way of stimulating trade. The suggestion was that the colonial governments should issue paper, not to meet the exigencies of government, but to loan it out to private persons for a term of years on mortgage security. There was a danger that such paper would be over-issued and would therefore depreciate in value. Merchants who were usually creditors were naturally apprehensive of the consequences, and their representations kept the members of the Board of Trade firm in their opposition to the issue of bills of credit except during war and under strict provision for redemption. A disastrous experiment with paper money in the New England colonies led Parliament to pass an Act in 1751[1] which forbade issues in future unless sanctioned by the Crown. Paper money was not necessarily confined to Government issues. Projects for founding land banks were actively discussed in Massachusetts, Connecticut and New Hampshire, but the application of the Joint Stock Companies Act of 1720[2] to the colonies made it impossible to float a banking company without a special charter. The upshot was that the colonists largely depended on British merchants for financial accommodation in the form of long credits. Although individual merchants may have denounced the "pernicious practice",[3] it served the purpose,

[1] 24 Geo. II, cap. 53. [2] 14 Geo. II, cap. 37.
[3] "The Letter-book of a Quaker Merchant, 1756–8", in *E.H.R.* Jan. 1916, p. 142.

particularly in the southern colonies, of giving the creditors the economic advantage in business transactions. The planters, it was said, were "a species of property annexed to certain mercantile houses in London". They sent cargoes to Great Britain not because it was illegal to send them elsewhere, but because they could best reduce the burden of their debts by doing so. Although they might grumble now and again about the inconveniences occasioned by the Acts of Trade, they were more generally aware of Great Britain as a great creditor nation than as a domineering mother country.

The years immediately following the conclusion of the Seven Years' War were to put the colonial system to the test. The mercantilists, it has been shown, believed that the commercial restrictions caused the profits of colonial trade to flow to Great Britain. Few of Adam Smith's contemporaries would have accepted his contention that the whole system was a great illusion under the influence of which capital was forced into a distant trade where it earned a smaller return than it otherwise would have done. They were more impressed by concrete instances than by abstract analysis. There was the growth of the chief western ports. A single house in Bristol was said to buy 3000 pieces of stuff for export every spring.[1] In 1764, 188 vessels arrived in Liverpool from and 141 departed to the colonies.[2] For several years prior to 1770 the annual import of tobacco to the Clyde was between 35,000 and 45,000 hogsheads, the greater part of which was re-exported to the continent of Europe.[3] It was assumed, indeed, that the Acts of Trade promoted the general prosperity of the country to such an extent that the Government necessarily gained from its greater taxable capacity. For the direct contribution to the Exchequer was inconsiderable. What was received was due to the fact that the mechanism of customs duties was employed as a simple and obvious way of enforcing the commercial restrictions. No one would have argued for a moment that the yield of these duties was in any degree an indication of the value of the colonies to the mother country. In general, as Burke put it, England pursued trade and forgot revenue; the fiscal was practically always sacrificed to the commercial point of view.

Difficulties were bound to arise if the question was asked whether the total advantages derived from the operation of the Acts of Trade were sufficient to cover the charges to which Great Britain was put for the defence of the colonies. With a national debt the service of which absorbed half the annual yield of the staple taxes, with the powerful landed interest demanding a lightening of the burden they were bearing, and with the financial commitments involved in the organisation of the newly acquired territory, the Chancellor of the

[1] Latimer, J., *Annals of Bristol in the Eighteenth Century*, p. 414.
[2] Smithers, Henry, *Liverpool, its Commerce, Statistics and Institutions*, p. 112.
[3] Cleland, James, *Rise and Progress of the City of Glasgow*, p. 89.

Exchequer had to face this issue. It is significant that the Board of Trade was invited to report, among other things, on "what mode, least burthensome and most palatable to the colonists can they contribute towards the support of the additional expense which must attend their civil and military establishments".[1] The Board, which was the repository of mercantilist precedents, had no observations to offer on this subject. The subsequent attempts to raise revenue by enforcing the Laws of Trade and by imposing new taxes were inspired by motives which were political rather than commercial, imperial rather than mercantile. Incidentally much light was thrown on the nature of the colonial trade and particularly on those aspects of it which were obnoxious to the mother country. It would appear that the chief articles imported directly from the continent of Europe, or concealed when a British port was touched, were linens from Hamburg, tea and gunpowder from Holland and wines and fruits from Spain. The offenders were usually the merchants of Massachusetts, Rhode Island, Pennsylvania and New York, for such smuggling could be successfully carried on only by those whose ostensible business was the import of other goods. More stringent enforcement of the Laws of Trade would probably have prevented some of these breaches of the code; but it is unlikely that it would have entirely suppressed such practices. The declared intention of the mother country to enforce the principle of the Molasses Act was generally recognised as a much more serious issue. It seemed to preclude the possibility of relieving the acute trade depression which had followed the conclusion of the war.

In Boston as early as November 1763 the merchants were considering joint action in favour of a petition that the duties on foreign molasses and sugar should be removed or reduced. New York merchants decided to support this appeal towards the end of January 1764, and they also persuaded those of Pennsylvania to take action. Rhode Island was even more closely concerned. A remonstrance was drawn up at a meeting convened at South Kingston on 24 January and forwarded to the Board of Trade.[2] The colony, it was pointed out, had a population of 40,000, of which nearly a third lived in the two towns of Newport and Providence and depended on commercial activities. Having no staple commodity for export they had to get the means of paying for the manufactures they imported from Great Britain by a three-cornered trade. There was a market for their timber, provisions and horses in the West Indies, and consequently that trade was the necessary foundation of their commerce. Appealing to the testimony of the Custom House books at Newport they asserted that in the year 1763, 184 vessels had cleared for Europe,

[1] Basye, A. H., *The Lords Commissioners of Trade and Plantations*, pp. 128–31.

[2] *Records of the Colony of Rhode Island and Providence Plantations in New England*, VI, 378–83, and Callender, G. S., *Selections from the Economic History of the United States*, 1765–1860, pp. 56–63.

Africa and the West Indies; of these about 150 were bound for the West Indies and returned thence with about 14,000 hogsheads of molasses, of which not more than 2500 hogsheads came from the British islands. In fact, it was estimated that all the British islands taken together could not supply two-thirds of the quantity required by Rhode Island alone. There were upwards of thirty distilleries engaged in making rum. At the ruling price—about 12*d.* a gallon—it was possible to export this rum at a profit, but if a duty was imposed it would greatly add to the price and seriously restrict the demand. The rum was largely exported to the coast of Africa—about 1800 hogsheads annually—where it was exchanged for slaves, gold dust and ivory. The slaves were disposed of in the British West Indies and the southern colonies in return for bills of exchange by means of which remittances were made to Great Britain in payment for the colony's imports. In view of these facts it was submitted that the renewal of the Act would be "highly injurious to the interest both of Great Britain and the northern colonies".

The American Revenue Bill of 1764 is a measure of the greatest significance. The northern colonies wanted the free importation of foreign molasses, but might have acquiesced in a duty of a penny a gallon. The British West Indian planters wanted a prohibitive duty against molasses from foreign islands entering the continental colonies, or alternatively as high a duty as possible. The British Exchequer wanted a duty which would yield a substantial revenue. This last consideration was allowed to overrule the others and thereby the mercantilist point of view with regard to the vexed question of the trade in molasses was abandoned. The prohibitive rate of 6*d.* a gallon was reduced to 3*d.* with the avowed intention of making it remunerative. Mercantilism was certainly losing its hold. The complexities of the post-war situation exposed its weaknesses. In a sense the trade between the colonies and the mother country, which it set out to foster, had never been on a satisfactory basis. It had always been difficult, if not impossible, for the northern colonies to find means of paying for their purchases from Great Britain without infringing the Acts of Trade. This difficulty was the greater because the colonies had no proper currency system. Apart from the pine-tree shillings, minted by Massachusetts in the third quarter of the seventeenth century, the colonies had no coinage of their own. They were almost entirely dependent for a supply of specie on coins, mainly Spanish pieces of eight, secured in the course of trade with foreign Plantations. The rate at which these were to be current was fixed by proclamation in 1704, and confirmed by statute in 1708.[1] It was laid down that the Spanish piece of eight, or dollar, was to be accepted as equivalent to six shillings, which was $33\frac{1}{3}$ more than the sterling rate (4*s.* 6*d.*). As a matter of fact the piece of eight was not, even when

[1] 6 Anne, cap. 10.

minted, of the standard assumed by this legislation, for the coins in circulation had been sweated and clipped.[1] Still it was an advantage to have some standard of reference even if it was defective. Prices were stated in pounds, shillings and pence (though the British coins for these amounts were not common), it being understood that when a colony observed proclamation rate six shillings were equivalent to a piece of eight. In practice the rate varied despite the law, ranging from eight shillings in New York, seven and sixpence in Pennsylvania and Maryland to six shillings—the proclamation rate—in New England.[2] Business transactions in the colonies themselves were consequently complicated by these variations of rates, even when they were not rendered difficult by the actual shortage of coins. Payments to the mother country were made when possible by means of bills of exchange; the par of exchange being based on the relation of sterling and colonial currency to the piece of eight. Owing to the indebtedness of the colonists the rate of exchange was normally unfavourable to them. It often reached a point when payment in specie was desirable and this led the merchants to do their utmost to withdraw coins from circulation in order to ship them to Great Britain. This only accentuated the difficulties arising from the shortage of a circulating medium and consequently strengthened the demand for the issue of paper money.

It was difficult for a colony to supply an adequate circulating medium in the form of paper money—apart from the attitude of the mother country on this subject—because of the attractions of inflation. During the Seven Years' War, Virginia, which had a good record in this respect, indulged in an over-issue of bills of credit which were declared legal tender for any amount. Under the existing law sterling debts could be discharged in Virginia if £125 current money was paid for every £100 due. It was possible for the courts to change this rate provided it could be shown that the current money had suffered a greater degree of depreciation, but the British merchants pointed out that before a judgment in their favour could be executed further depreciation might have occurred. Opportunities existed therefore for the debtors to discharge their obligations by paying less than they had contracted to pay. Memorials on the subject were sent to the Board of Trade by the merchants of London, Liverpool and Bristol in 1764, and they were sympathetically received. The Board declared that "the practice of making paper bills of credit a legal tender is absurd, unjust and impolitic".[3] The application of the principle of the Act of 1751 to all the colonies was recommended and legislation to this effect was at once promoted. This meant that debtors in Virginia had to discharge their debts at standard rates.

[1] Sumner, W. G., "The Spanish Dollar and the Colonial Shilling" in *Am. H.R.* III, 607–19.

[2] *Am. H.R.* X, 666.

[3] *A.P.C., Col.* IV, 628.

The planters were seriously embarrassed in 1764 owing to bad harvests and the burden of the war debt. Rapid depreciation of the currency would have relieved the situation. The alternative of going through the bankruptcy courts was subject to formidable restrictions, as a Virginia act for the relief of insolvent debtors had been disallowed by the mother country. The principal merchants of London, Bristol, Liverpool and Glasgow had convinced the Board of Trade that a debtor's voluntary surrender of his assets in order that they might be realised and distributed among his creditors would inevitably involve injustices since nine-tenths of the creditors lived in Great Britain.[1]

The extent of the indebtedness of the colonists and the difficulties in the way of reducing it now became issues of first-class importance. In the northern colonies the trade depression forced the question upon the attention of the merchants. They were already so indebted to their correspondents in Great Britain and the purchasing power in the colonies was so restricted that they had to curtail their orders. A number of merchants in Boston entered into an agreement in August 1764 to reduce their importation of English cloth, and the idea of resorting to non-consumption as a palliative led to the adoption of non-importation as a weapon in the conflict with the mother country on the question of taxation. To lessen the dependence on Great Britain it was also suggested that home industries should be fostered. A Society for the Promotion of Arts, Agriculture and Economy was launched in New York and it offered premiums for excellence in local manufactures. Statistics show that during the operation of the non-importation agreements the volume of trade between Great Britain and the chief ports—Boston, New York and Philadelphia—fell heavily. Colonial merchants were able to dispose of their old stocks and to call in their outstanding debts while they were strictly limiting their future orders. Many of them were thus in a position to take advantage of a considerable fall in the exchange rates and remit payments to their correspondents in Great Britain. But these were temporary expedients. The question was whether the northern colonies could develop their industrial resources on a permanent basis. When the Board of Trade called for a report on colonial manufactures in 1766 the accounts sent by the respective governors probably belittled what had been effected.[2] If allowance is made for this, however, subsequent events proved that little progress had been made. What capital there was found its way into foreign trade and the fisheries, and the appeal of the frontier maintained the scarcity of labour for manufactures. The economic structure of the southern colonies was different. No relief could be found in industry, for the existence of slavery meant concentration

[1] *A.P.C., Col.* IV, 641–2.
[2] See Clark, Victor S., *History of Manufactures in the United States*, 1607–1860, pp. 207–10.

on the staple crops of tobacco and rice. The planters had mortgaged their estates to the full, and much of the land was so exhausted that it seemed that some form of debt repudiation accompanied by resort to the new lands to the west was the only remedy. In Virginia there was an insistent cry for paper money to ease the pressure of debt and also a demand that the boundaries of the colony should be extended on the west; but to these two claims the policy of the mother country was strongly opposed. It was difficult to restrict imports, for the greater part of the commerce in the south was in the hands of English and Scottish merchants. These were said to number some two thousand and the planters were heavily indebted to them. Non-importation, as George Washington pointed out, could only be effected by going over the heads of the merchants and persuading the people not to buy imported goods.[1] As a matter of fact importations were heavy in the south during the years of resistance to the Stamp Act and the Townshend duties. The merchants seem to have remained fairly confident that the debts would be ultimately paid, for they did not discourage their customers from purchasing imported goods. They had so long gone on the principle that debtors cannot drive hard bargains in selling their crops that they were not prepared to abandon it.

The British merchants, however, made great play with the extent of colonial indebtedness in the agitation for the repeal of the Stamp Act. It was alleged that the outstanding debts amounted to between four and five millions.[2] Witnesses examined by the House of Commons obviously attempted to set the figure as high as possible and Grenville did what he could to discredit their evidence.[3] The main purpose of the committee of merchants, of which Barlow Trecothick was the leader, was to restore the old relations with the colonies. They did not like the recent innovations, partly because they caused disturbance in America, and partly because the collection of taxes in specie would make it more difficult for their customers to make remittances in that form. They regarded the debt itself with complacency and were co-operating with colonial merchants in trying to convict the Government of placing obstacles in the way of its liquidation. The merchants also brought manufacturers into line by withholding orders, to induce them to send up petitions to the House of Commons in which the extent of unemployment was emphasised.[4] It is interesting to find that in this campaign the West Indian merchants made common cause with the merchants who traded with the northern

[1] *The Writings of George Washington*, ed. by W. C. Ford, II, 263–7.

[2] The figure of £4,000,000 is usually quoted from the *Annual Register*. The Newcastle Papers give details of the estimate and a higher total. The amount of the debt was undoubtedly exaggerated.

[3] Henry Cruger, jr., to his Father, Bristol, 14 Feb. 1766, *Commerce of Rhode Island*, I, 140.

[4] Henry Cruger, jr., to Aaron Lopez, Bristol, 1 March 1766, *ibid.* I, 145.

colonies. Together they drew up a programme which was virtually put into operation by the Rockingham administration.[1] For the moment mercantile opinion reasserted itself against the new imperial policy. In the face of the danger to trade the West Indies joined hands with the continental colonies. The duties levied on the export of sugar, pimento and coffee from the West Indies were repealed and an inroad was made on the Navigation Laws by declaring the chief ports of Jamaica and Dominica free to foreign vessels. The colonial merchants expressed their thanks to the committee of merchants in London for their good services in securing the repeal of the Stamp Act and "for strenuous efforts and unremitted application in favour of the liberties and trade of America".[2]

Subsequent events proved that the success of the merchants' agitation in 1766 was due to the special circumstances of the moment. The settlement which they had commended to the Rockingham administration was short-lived. The continued trade depression in the northern colonies enabled the more radical elements to keep the opposition to the mother country alive. In Virginia and Maryland the twofold problem of land hunger and indebtedness was becoming more urgent. The struggle was renewed when the Boston town meeting initiated a campaign against the Townshend duties in the form of non-consumption pledges in October 1767; the merchants of the port adopting the principle of non-importation in the following spring. The Quaker merchants of Philadelphia, however, refused to come in until opportunity had been afforded the British merchants to exert pressure on the Government. But the London merchants did not think it prudent to move in the matter. Their attitude is to be explained by the fact that they did not consider that the success of 1766 could be repeated. The economic situation at home was much easier. There had been a good harvest; the demand for English cloth on the continent was firm; there was no extensive unemployment which could be exploited. Barlow Trecothick himself acknowledged, when pleading for the total repeal of the Townshend duties in the House of Commons,[3] that British trade had not seriously suffered from the renewal of the non-importation movement.

The British merchants were also aware that the Americans had raised wide constitutional issues which prejudiced their case. It was obviously no longer a quarrel to be settled by commercial adjustments. Probably they were also coming to see that the colonial trade was not all it had been assumed to be. The years of dislocation caused by the adoption of non-importation agreements in America must have revealed to British trading-houses some of the long-standing

[1] Adams, J. T., *Revolutionary New England*, p. 340, note 1, prints part of the agreement arrived at by the Committees of the West Indian and North American Merchants on 10 March 1766, from Brit. Mus., Add. MSS, 8133 C.

[2] Letter in *Massachusetts Historical Society Transactions*, Feb. 1924.

[3] Schlesinger, A. M., *Colonial Merchants and the American Revolution*, p. 238.

disadvantages of colonial business. Much capital was tied up in it because long term credit had to be given. There are definite indications of attempts to reduce the time allowed for payment. Eighteen months, it appears, were usually given by Glasgow merchants in the middle of the century.[1] Later, twelve months seem the normal time, but some merchants were trying to insist on nine. They asserted that the shorter period represented the utmost extent of credit they could themselves secure.[2] Commercial correspondence is full of complaints about outstanding debts and merchants engaged in the American trade were certainly often seriously pressed by their own creditors at home. Sometimes they had the bills of exchange sent them by their American customers protested when presented for payment, and sometimes they found it impossible to sell a vessel which they were instructed to dispose of in liquidation of debt at anything like the price which the debtor expected. It is not surprising, therefore, that they preferred a nearer market in which shorter credit was asked and in which the risks of trade were not so considerable. Industrial developments were providing new outlets for capital at home and colonial markets were beginning to occupy a less important place in British commerce. When the merchants of London came to consider the position created by the recognition of the independence of the United States in 1783 they arrived at the conclusion that the superiority of British manufactures would ensure them a preference over those of other countries, and if the future trade was conducted on a liberal system it was not likely that the Americans would make attempts to set up manufactures of their own. They would be of necessity mainly occupied in the clearing and cultivating of the land.[3] This sensible conclusion was largely justified by the event.

[1] Renwick, Robert, *Records of the Burgh of Glasgow*, VI.

[2] Letter of Hayley and Hopkins, London, 24 June 1769, in *Commerce of Rhode Island*, I, 282–3.

[3] Observations of London Merchants on American Trade, 22 July 1783; *Am. H.R.* July 1913, pp. 773–80.

CHAPTER XXI

THE CONSTITUTION AND THE EMPIRE— FROM BACON TO BLACKSTONE

IN the moulding of modern thought no factor exercises a more potent influence than the idea of evolution. It predisposes the mind when confronted with an array of facts to seek for some connecting principle by which they are related and to prove that there is an orderly development of idea. Governed by this conception, historians have been able to demonstrate the continuity of English history and to show how one age has prepared the ground for the work of its successor. The long range of England's history exhibits only one violent break from tradition, the Puritan Revolution, which proved to be but a short episode in the flowing tale of the national life. The concept of evolution, with the expectant, critical attitude of mind which is its offspring, was unknown to the people of the seventeenth and eighteenth centuries. Had the idea of growth and development been as strongly rooted in their minds as it is in those of their successors, then the possibility of friction between the mother country and the colonies might have been generally anticipated. But even the ablest writers and thinkers before the eighteenth century seldom endeavoured to trace any connecting principle amid the facts with which they were confronted; for their view of history was a static one. Apart from a few exceptions they seemed unaware of the powerful forces by which the actions of men are inspired, took no account of the influence of environment on human development, and regarded government as a piece of machinery rather than a natural growth. Action preceded thought, and political theories were not formulated until events had suggested the need for them. Contemporary historians of the Empire, such as Sir Dalby Thomas[1] and Oldmixon,[2] contented themselves with presenting a collection of facts, for it never occurred to them that the relationship between the mother country and the colonies raised any difficulties, and their attitude faithfully mirrored that of the mass of the people.

Until men had progressed beyond the stage of regarding history statically, it was impossible for them to appreciate at its true value the importance of events which are now recognised as beacon lights in British colonial history. In the development of English colonial policy few events have had more significance than the Restoration and the Revolution. With the Restoration England turned her back on Puritanism, the Empire was augmented by the acquisition of new

[1] Thomas, Dalby, *Hist. Account of the Rise and Growth of the West India Colonies and of the Great Advantage they are to England in respect of Trade*, Lond. 1690.
[2] Oldmixon, John, *The British Empire in America*, Lond. 1708.

territories, and the colonial system at last assumed coherent form. In many respects the most interesting of these developments was the national rejection of Puritan ideas, possibly because these were largely derived from Holland.[1] But though the movement was subordinated, it remained a potent influence in America, where its ideas were worked out more fully and with less restraint than had been possible in England. In the nature of things differences were bound to develop between those who crossed the Atlantic and those who stayed at home, but these were undoubtedly accentuated by the fact that the American point of view, partially shaped by ideas which England had rejected, had begun to diverge from that of England. The unhappy potentialities, however, of the Restoration in this respect were overlooked by contemporaries. Similarly the Revolution was regarded by Englishmen as merely a national affair, and its imperial bearings were not appreciated at their true worth.

In considering English views on the colonies during the seventeenth and eighteenth centuries it is vital, therefore, to keep in mind that these were not illumined by any idea of growth. Moreover domestic matters, particularly during the seventeenth century, were so engrossing that the colonies dropped out of public notice until the issue between Crown and Parliament had been settled. During the formative period of English colonisation, which we may take as extending to the Restoration, no large problems of colonial government arose; for the establishment of the first English settlements beyond the seas was nothing more than an extension of English commerce. Plantations, in fact, were the only means by which the national instinct for commerce could be satisfied, and the State was required merely to give a legal sanction to settlements formed by private enterprise. Settlements of this type were too weak at first to be treated as political communities; they were, in truth, private estates and were regarded as such. Consequently they were put on the same legal status as the guilds, boroughs, and trading companies of England. The movement, however, which resulted in the colonisation of New England, was of a totally different character; for it represented, in the minds of its founders, a schism from the State rather than a trading enterprise. The extent to which the expansion of England is linked up with commerce is amply proven by the tone of pamphlets issued not merely during the formative stage but throughout the whole period. Plantations were criticised on the ground that they were unprofitable to the kingdom, while supporters of the colonising movement sought to show that the settlements were of benefit to England. This commercial aspect is clearly brought out in the references of Bacon to the colonies.

Bacon, whose great fault was that he had no faith in his own maxim that knowledge is power, was too practical-minded to draft any

[1] Campbell, D., *The Puritan in Holland, England, and America* (first ed. 1892), pp. xxvi–xxxi.

Utopian schemes of government. He was too conscious of his own defects to pasture on illusions, and he knew that the process of transporting a man to a new world would not change his nature. His scientific mind, however, revolted at the thought of missed opportunities, and he realised that the new world could not be used to the greatest advantage unless it was peopled by the best of the old. Few statements are better known than the oft-quoted remark in his essay "Of Plantations": "It is a shameful and unblessed thing to take the scum of people and wicked condemned men, to be the people with whom you plant". This was a noble protest against the practice of sending English gaol-birds to Virginia, and he repeated it in a letter of advice to George Villiers in 1616, in which he recommended "that if any transplant themselves into Plantations abroad, who are known schismaticks, outlaws, or criminal persons, that they may be sent for back upon the first notice: such persons are not fit to lay the foundation of a new colony".[1] But his protest passed unheeded. The Government could not resist the temptation to use the colonies as receptacles for superfluous malefactors, and this degrading practice was continued beyond the middle of the nineteenth century.

But while Bacon paid due tribute to the commercial aims of Plantations, he saw that these oversea communities differed enormously from ordinary trading concerns. Some sort of government had to be devised to maintain law and order in the settlements, and with the experience of the Virginia Company in his mind he advised that government should be "in the hands of one, assisted with some counsel". Such advice was suited to the needs of his own age, and it would be unfair to assume that it represented his final word on colonial government. He was anxious that the utmost care should be taken to appoint suitable governors, and while he advocated the employment of the settlers in trades and manufactures, "such as may be useful to this Kingdom", he was opposed to the Plantations being managed solely in the interests of English merchants and tradesmen. Indeed he wished merchants to be restricted from taking part in government as far as possible since "they look ever to the present gain", while the long perspective is essential to the statesman. The colonies were but puny in Bacon's day, but his prediction of the development of the Plantations into "new kingdoms" suggests that he had envisaged the possibility of England becoming the mother of nations.

While commerce was the true origin of English colonisation, the invincible tendency of the Englishman to idealise everything in which he is concerned disclosed itself in the emphasis which was placed upon the movement as a counter-blow against the national foe. Bacon entertained no apprehensions about the result of a duel with Spain, for "the wealth of both Indies seems, in great part, but an accessory

[1] Bacon, F., *Works*, ed. Spedding, VI, 21.

to the command of the seas", and Spain's pretensions to maritime supremacy had been dispelled by the capture of Cadiz in 1596. National sentiment as expressed through Parliament remained faithful to the Elizabethan tradition and on the renewal of war with Spain in 1624 condemned "the diverting of his Majesty's course of wars from the West Indies, which was the most facile and hopeful way for this kingdom to prevail against the Spaniard, to an expenceful and successless attempt upon Cadiz".[1] Parliament was as vigilant as the Crown in its regard for the welfare of the Plantations, and after the outbreak of the Civil War a Commission was appointed under the Earl of Warwick to supervise the colonies.[2] After the establishment of the Commonwealth, when the first need of England was to frame a new constitution, even the dispassionate James Harrington, in the preface to his *Oceana* (1656), allowed himself to exult in the imperial destiny awaiting his country "upon the mightiest foundation that any has been laid from the beginning of the World to this day". Even Venice took rank below Oceana, for "the Sea gives law to the growth of Venice, but the growth of Oceana gives law to the Sea". The spirit of imperialism is contained in his statement that "to ask whether it be lawful for a Commonwealth to aspire to the Empire of the World, it is to ask whether it be lawful for it to do its duty, or to put the World into a better condition than it was before". But when he descended to particulars he struck a less confident note. "If you have subdued a nation that is capable of Liberty", he declared, "you shall make them a present of it"; while his well-known words that the colonies "are yet Babes that cannot live without sucking the breasts of the Mother Cities, but such as I mistake if when they come of age they do not wean themselves" seem prophetic of the disruption.

In truth, his imperial aspirations were at variance with his intellectual convictions, and possibly Harrington was the first Englishman to realise that the government of England and the government of an Empire were two very different things. Engaged in an attempt to solve the difficulty of England only, he saw that his solution, however satisfactory it might be to his countrymen, could not but prove irksome to the colonists. This recognition of the fact that the government of the Empire had to be considered apart from the government of the nation marks Harrington off from all other Englishmen of his age, and it was unfortunate that the difficulty which he discerned, though he refused to explore it, was not realised as clearly by the thinkers of the Revolution period, when the time was opportune for a reconsideration of the whole field of colonial government. His system of government expounded in *Oceana* had never any real chance of becoming operative, but it attracted considerable attention among his contemporaries by reason of the novelty of the devices which were

[1] Stock, L. F., *Proceedings and Debates of British Parliaments respecting North America*, I, 128.
[2] *Ibid.* I, 146.

necessary for its working, and the ideas underlying it were destined to exercise a substantial influence both at home and in America.

His analysis of the history of England had driven him to the conviction that the country owed its troubles partly to the fact that political power did not correspond with the balance of property and partly to defects in the English parliamentary system. The existing Parliament was not truly representative of the nation, and with the vast increase that had taken place in the number of landowners a monarchic system was no longer suitable for the country. Government had to be altered so as to fit in with the changed conditions. Property in land was to be stated "at such a balance that the power can never swerve out of the hands of the many". Harrington possibly weakened his case by regarding property in land as the most worthy and influential form of wealth, but his views in this respect were so completely in accordance with those of the English governing class that they were afterwards accepted and applied, but in a manner of which he would not have approved. His exposition of the doctrine of the balance of property was intended to show that a stable government could be formed only on a republican basis, and for this reason he proposed that no person should own an estate worth more than £2000 per annum, whereas after the Restoration monarchy came to be esteemed as the principal safeguard of property against the encroachments of the landless. Political power largely depended upon property in land, and the connection of the two in the minds of Englishmen was at least partly responsible for the Whig monopoly of political office during the eighteenth century. The Anglo-Saxon race has always been conspicuous for its reverence for property, and only an Englishman could have elevated it to the dignity of a natural law. This was the work of John Locke, whose second treatise on *Civil Government* confirmed Englishmen in their conviction that there was a natural connection between government and property. But the idea was really inherent in the race, and Americans were as quick as Englishmen to resent attacks on property. Thus in 1771 the Assembly of Massachusetts in complaining against British taxation said that it formed "a tribute levied and extorted from those, who, if they have a property, have a right to the absolute disposal of it".

While Harrington was a democrat, he was no friend of mob-rule, and he introduced four devices to prevent government from falling under the control of the rabble. These devices consisted of the use of the ballot, indirect election, rotation, and a system of two chambers, of which one was only to debate and the other only to vote. Harrington was typically Puritan in his belief that "Government is the Empire of Laws, and not of Men". He looked on government as a piece of machinery which could be kept in good running order provided that the laws of which it was composed were shrewdly excogitated. From this type of mind sprouted the fundamental law

and the rigid constitution, which Puritanism failed to establish in England but succeeded in setting up in America. All Englishmen of the Puritan cast, however, had not the unwavering faith of Harrington that laws alone would keep government pure and wholesome; Penn, for example, realised that "governments, like clocks, go from the motion men give them", but belief in legal devices and checks to prevent corruption has always been a feature of the American political creed.

All the particular contrivances advocated by Harrington had been tested. The ballot, suggested by the practice of Venice, had been experimented with in Massachusetts and Connecticut. But the secrecy which recommended it to Harrington was displeasing to Englishmen, and we learn from Oldmixon that the Pennsylvanians refused to make use of the ballot because "they were Englishmen and not bound to give their Votes in Huggermother: their Faces and their Voices should always go together". The method of indirect election was employed in Dutch and Italian cities and also in commercial and ecclesiastical corporate bodies. The "Agitators" of the New Model Army were appointed by a process of indirect election in 1647. The principle of rotation was designed to prevent magistrates from entrenching themselves in office and had been already suggested by George Wither in *The Perpetual Parliament*, a political poem published either in 1650 or 1653. Harrington, then, simply pressed into his service devices with which his contemporaries were familiar, but gave them an added significance by applying them on a national scale.

Chosen by the aid of these precautions against corruption, the Parliament of Oceana was to consist of a Senate and an Assembly, the Senate proposing and the Assembly resolving; for he held that an Assembly without a Senate could not be wise and that a Senate without an Assembly would not be honest. Since power could not be safely confined to any one man or one class, the Legislature, Executive, and Judiciary were to be kept apart. In common with Milton and Cromwell, Harrington pleaded for religious toleration, and he gave it a fresh importance by showing that where there was no liberty of conscience there could be no democracy.

The attempt to define the relations of England to Scotland and Ireland evidently gave Harrington much food for reflection. At one time he suggested that Scotland and Ireland should be represented in Parliament, but should be governed by Councils of State, elected from retiring Senators, with the assistance of provincial armies. Ultimately he drifted to the sound position that union based on compulsion could never be effective, and in 1659 he appealed for a "just league" which would leave Scotland and Ireland with their own laws and their own government.

It was even more difficult to decide on the treatment to be accorded

to communities so remote from the mother country as the American settlements. Their very distance from England made it impossible for their inhabitants to enjoy the same privileges as Englishmen, and unless they were kept in a position of subordination the colonies could have no value for the parent State. "Provincial or dependent Empire", wrote Harrington, "is not to be exercised by them that have the balance of Dominion in the Province, because they would bring the Government from Provincial and Dependent to National and Independent." He recognised that imperialism, as it was understood in his day, could not be accommodated to his theory of the balance of property, and that settlers inheriting the Anglo-Saxon passion for freedom could not permanently be maintained in a subordinate status. These considerations led him to pen his prophetic warning of the dissolution of the Empire.

The remote possibility of the Oceana system of government being adopted by England vanished with the Puritan *régime*, but the establishment of new settlements in America furnished an admirable opportunity for testing the value of Harrington's ideas. At least two of the new settlements, Carolina and Pennsylvania, were honoured by the application of Oceana principles, and it is worth noting that all the transatlantic communities followed a practice which was implicit in the principle of the equal agrarian, by which the amount of land that one person could acquire was to be strictly limited. The adoption of this involved the doom of the English system of primogeniture, which had never been imitated by the English settlers in America, where circumstances led them to follow the rule of equal division of property among heirs.

The Carolina version of Oceana, as expounded in the "Fundamental Constitutions", distorted Harrington's ideas by giving them an anti-democratic bias. The settlers were divided into categories according to the proportion of land they owned, and the whole system was so arranged that no office could be held without a property qualification. Executive power was monopolised by the proprietors, and legislative power was divided between a Grand Council of fifty, of whom only fourteen could be said to represent the people in any way, and a Parliament, the function of which was to vote on the measures referred to it by the Council. Other recommendations of Harrington, the ballot, religious toleration, universal military training, were embodied in the Constitutions, which were to be read and sworn in every Parliament, while Harrington's suspicion of lawyers was echoed in the provision that no man might plead a cause for money. But in following the letter of Harrington's suggestions, those who drafted the "Fundamental Constitutions" departed from the spirit which had inspired their author by making no provision for the equal division of property among children and by safeguarding the integrity of estates. Every attempt, however, of the Carolina

proprietors to induce the settlers to accept this scheme of government proved unsuccessful.

More in the line of succession to Harrington's leading thoughts was the method of application attempted by William Penn. This great Quaker had probably a hand in drafting the schemes of government for the Jerseys, where principles suggestive of Oceana were incorporated in the constitutions of 1676 and 1683, but it was in his own colony of Pennsylvania that he had the greatest opportunity of testing his most cherished ideas. His "Holy Experiment" savours too strongly of Harrington's devices not to have been influenced by him. The Legislature consisted of a provincial council of 72 and an Assembly of 200. The principle of rotation was applied to the former, one-third of the council being elected annually, and its function was to propose measures on which the Assembly was to vote. In the choice of the Assembly a process of indirect election and the ballot were employed. The importance of land was shown in the requirement that only landowners could share in the government of the colony, but the constitution was much more democratic than that of Carolina. Nevertheless this democratic version of Oceana was no more successful than the Carolina variation. The ballot was objected to, the Assembly refused to confine itself to the function of voting, and by 1701 it had established its right to debate and initiate legislation.

The direct influence of Harrington in America ceased with the reign of Charles II. During the revolutionary period he hardly attained the status of even a minor prophet of insurrection, but when the fighting was over and the Americans were confronted with the task of framing constitutions for themselves, he once more exercised some influence through the medium of John Adams, who had a share in the drafting of several State constitutions. The principle of a property qualification and the system of checks and balances, with which the name of Harrington is associated, are particularly conspicuous in the constitution of Massachusetts, where the influence of Adams naturally counted for most.

So many of the devices with which Harrington has made us familiar have been incorporated in the constitution of the United States that it would be easy to exaggerate his influence. The explanation is to be found in the fact that his writings have presented us with the most comprehensive exposition of Puritan political thought in the first half of the seventeenth century, so that many of the features of the American constitution are to be attributed rather to the general influence of Puritanism than to the particular championship of Harrington. The written constitution, for example, was a commonplace of Puritan thought. But the notion of a fixed law was one with which few Englishmen of the seventeenth century would have quarrelled; for the concept had been created by the need of repelling the pretences of the Divine Right theory of monarchy. Magna Carta,

in particular, stood upon a pinnacle which could not be reached by the will of any ruler. "In every government", said Cromwell, "there must be somewhat fundamental, somewhat like a Magna Carta, that should be standing and be unalterable."[1] The Puritans, as the opponents of the Crown in the great constitutional quarrel of the century, inevitably became the principal champions of the idea of a fundamental law which they carried over to America.

The other practices of America which suggest the influence of Harrington are the ballot, indirect election, the multiplication of offices and the principle that they should be held only for a limited period, rotation, the use of petitions, the separation of powers, the popular ratification of constitutional legislation, and the employment of special machinery for assuring the preservation of the constitution. Popular education, the spread of which has been honourably associated with Puritanism, also found a niche in his thesis, while the doctrine of religious freedom, if not inherent in Puritanism, was assuredly advanced by the championship which it received from writers like Milton and Harrington. The device of the referendum, too, which is employed in America, was implicit in the *Oceana*, for in *Valerius and Publicola* (1659) the author describes his Assembly as "nothing else but an Instrument or Method whereby to receive the Result of the whole Nation with order and expedition, and without any manner of tumult and confusion". The doctrine of the separation of powers, which forms a cardinal point in the Oceana system of government, has received its fullest application in America; but though the idea dates back to the period of the Commonwealth, it was through Montesquieu that it exerted its most constructive influence on American thought.

The fundamental reason why Puritanism lost its hold on England was that it was associated with elements hostile to the national tradition. This is exemplified even in the case of Harrington, although he stands apart from his contemporaries by the fact that he made no use of the social compact as a peg on which to hang his theories but appealed to experience. Yet the recourse to history, unillumined by the notion of continuity, led him to introduce into his scheme of government a hotch-potch of foreign elements, and he missed the point of Dr Gauden's criticism that "Models of new government heal not, Government must fit the genius of a people".[2] This was the true lesson of history, and the failure to read it aright was the cause of the downfall of the Puritans.

Against the mounting sentiment in favour of monarchic government the despairing vehemence of John Milton spent itself in vain. The proposals set forth in his pamphlet, *The Ready and Easy Way to establish a Free Commonwealth* (1659), were hardly of the nature to win

[1] Carlyle, T., *Letters and Speeches of Oliver Cromwell* (ed. Lomas), Speech III, II, 382.
[2] κακοῦργοι *sive Medicastri: slight healers of publique hurts* (Brit. Mus., E. 1019).

the favour of an England which remembered with distaste the exclusiveness of the Rump. The Grand Council suggested by Milton bore too close a resemblance to that body to be popular, particularly as it was further proposed that its members should be chosen for life. Suspecting that few Englishmen would tolerate a "perpetual Council", Milton was prepared to accept a "partial rotation" whereby one-third of the Council would be renewed at stated intervals. Composed of the "ablest men", and vested with a sovereignty that was "not transferred, but delegated only", the Council would "consult of public affairs from time to time for the common good", and for the execution of such matters as demanded "secrecy and expedition" would act through a Council of State. The security of liberty was to be provided by a system of local government in which every unit was to be made "a kind of subordinate commonalty or commonwealth".

"The good old Cause" had lost its hold on England, as Milton himself recognised, and the pamphlet was never seriously considered by those who were in a position to control the destinies of the nation. But it contained ideas which must have commended it to the colonies, especially in New England, where the works of Milton were familiar in every household of standing. To communities ever jealous of their local independence Milton's proposal for the delegation of local affairs to local assemblies must have made congenial reading. The commonwealth described by him amounted in effect to a federal system of government, and the future was to show that the Miltonic scheme as a whole was more adapted to the needs and desires of America than the elaborate and cumbrous devices of *Oceana*, for the United States approximated more closely than any other State to Milton's grand dream of "many commonwealths under one united and intrusted sovereignty".

While Harrington and Milton were drafting constitutions for England, merchants connected with the West Indian trade, of whom the most prominent were Thomas Povey and Martin Noell, were engaged in formulating a more effective system of colonial government. The Spanish Council of the Indies offered itself as an attractive model. Bacon had suggested the establishment of a special council to "regulate what concerns the colonies", and in *Oceana* Harrington proposed the institution of four councils to carry on the work of the State. The scheme put forward by Povey and his associates was of a more detailed and comprehensive character. It was their aim to reduce the number of governments in America and bring them under the control of a council, acting through governors whose salaries were to be paid from the English exchequer. Such a system was well designed to make the Plantations really, as well as legally, a part of the realm.

It was on the lines suggested by Povey and his companions that colonial government was organised after the Restoration. The

council appeared as the Council for Trade and Plantations, without, however, the comprehensive powers which Povey had assigned to his organisation. And while it continued to be one of the main objects of the Council to render the governors independent of their Assemblies, the only feasible method by which this could have been accomplished, that of paying their salaries from England, was not adopted. The plea of Povey for the reduction of the number of governments in America was echoed by Samuel Maverick in his *Account of New England*, published in 1660, wherein he urged the consolidation of the New England colonies under the Crown and the seizure of the New Netherland from the Dutch. These measures seem to have been in the minds of English officials at the time of the Restoration, and the acquisition of New York was followed by an effort, culminating in the reign of James II, to bring the New England settlements under one government.[1]

After 1660 further additions to the Empire engendered a great activity in colonial affairs. The formulation of the colonial system was in itself a sign of developing interest in imperial matters, but it was an interest almost entirely confined to courtiers, merchants and officials, each class having a peculiar outlook of its own, but none having the capacity to appreciate the significance of factors which could not be estimated in terms of profit. None comprehended, for example, that the Puritan ideals rejected by England were pursuing an unimpeded course in New England and that local government which was declining in vigour and in importance at home was one of the most vital elements in American life. The mercantile and official vision is always more concerned with the near horizon than with the long perspective. The fact is that the commercial instinct of the race was so overwhelming that it canalised the national thought, so that Englishmen found it all but impossible to think of the colonies except in terms of trade. It has always been the weakness as well as the virtue of English common sense that it concerns itself with the immediately practical and dismisses every other matter from thought. The idea of empire as a congeries of nations did not exist; the various factories, plantations, and colonies simply formed part of the English realm.

It followed from the ideas prevalent in England with regard to the colonies that the colonial system embodied a rigidly nationalist policy, shaped primarily to extend the trade of the nation, and largely justified by the political conditions of the seventeenth century, when commerce was almost regarded as a weapon of war. Under its aegis England successfully challenged the maritime supremacy of Holland, and the Revolution, which so far as the nation was concerned settled all the outstanding constitutional issues, prepared her for the wider career that awaited her in the eighteenth century.

[1] *Vide supra*, p. 260.

Satisfactory however as the Revolution was nationally, its effect on the Empire was anomalous; for while it marked the consummation of England's struggle for liberty it resulted in a depreciation of the status of the colonists. Hitherto the relationship of colonist and Englishman towards the Crown had been similar, but this was changed by the Revolution. The development of responsible government enabled the people at home to control the national policy through Parliament, whereas in the rest of the Empire relations between the colonial executives and the colonial Assemblies continued irresponsible. Commercial subordination had been for the colonies the legacy of the Restoration; the sequel of the Revolution was their political subordination. There was something illogical and incongruous in the fact that Englishmen should deny to their oversea kinsmen the kind of liberty which they had claimed and won for themselves, but in truth there were few who were really acquainted with the facts of the situation.

The natural outcome of the commercial origin of the colonies was that they were never thought of as political entities, "but as areas of occupied and cultivated land belonging to Great Britain".[1] England had not advanced to the majesty of that imperial ideal in which nation-building forms the chief care of the statesman. Commerce continued to tyrannise over every other consideration, and its capacity for mischief was vastly enhanced by the fact that since 1660 it had become more and more intimately connected with politics. Such pride as was displayed in the Empire near the end of the seventeenth century was that of a man whose investments were turning out well.

It is necessary to remember, however, that the Revolution temporarily harmonised relations between the mother country and the colonies by substituting a constitutional for an autocratic monarchy. Moreover, in point of fact, the American colonists enjoyed more freedom in the direction of their local affairs than did the people of England. But there was the potentiality of tyranny in the power of intervening in the internal affairs of the colonies which the English definition of the colonial position gave to the mother country. Theory and practice no longer conformed and tended less and less to do so as the years rolled on. For though legally the colonies were no better than English municipal corporations or county councils, they politically belonged to a higher grade. They were exercising powers which were beyond the competence of any mere local body, and they claimed that their Assemblies were to be compared with the English Parliament. Thus in 1700 Sir William Beeston wrote that the Jamaica Assembly believed that "what the House of Commons could do in England they could do here, and that during their sitting, all power and authority was only in their hands".[2] It

[1] Andrews, C. M., *The Colonial Background of the American Revolution*, p. 122.
[2] *Cal. St. Pap. Col.* 1701, no. 749.

was, Benjamin Franklin claimed, "an undoubted right of Englishmen not to be taxed but by their own consent, given through their representatives".[1] The American Colonies, as Governor Bernard wrote, "believed themselves to be perfect States, no otherwise dependent upon Great Britain than by having the same King".[2] They could legislate on any subject provided that they did not pass any act which was incompatible with the laws of the parent State affecting the colonies, whereas English local organisations were not merely prohibited from passing measures inconsistent with the national law, but were forbidden to legislate except in so far as they had been empowered by the national Government to do so. Moreover it was not as easy to specify in the case of the colonies as in that of local corporations the particular laws of England that were binding on the colonies. The Plantations lay so far from the mother country that they inevitably came to be entrusted with the regulation of their own internal affairs. So while every Act of Parliament bound every local body in the kingdom there were few Acts of that Legislature which applied to the oversea communities save as regards the structure or powers of their governments. The rules affecting the applicability of English law to the colonies were so ill-defined that colonial courts were given a large discretion in deciding to what extent English law prevailed in the colonies.

The whole system indeed of colonial law was in urgent need of investigation, as was realised by Charles Davenant at the beginning of the eighteenth century. By a clause in the first Virginia charter it had been laid down that colonists were entitled to the privileges of Englishmen, but so far as this conveyed a right to live under the laws of England the concession was impracticable. Conditions at the circumference of the Empire differed so greatly from those at the centre that laws suitable for the mother country might not be convenient for the colonies. It was therefore a sound opinion of Richard West, Counsel of the Board of Trade, given in 1720, which stated: "Let an Englishman go where he will, he carries as much of law and liberty with him, as the nature of things will bear".[3] This opinion was later confirmed by a judgment of Lord Mansfield, who remarked: "It is absurd that in the colonies they should carry all the laws of England with them. They carry such only as are applicable to their situation. I remember it has been determined in this council. There was a question whether the statute of charitable uses operated on the island of Nevis. It was determined it did not; and no laws but such as were applicable to their condition, unless expressly enacted".[4]

In England the leading jurists were agreed that the only laws which could be said with certainty to apply to the colonies were those

[1] Franklin, B., *Works* (ed. Sparks), III, 60.
[2] Bernard, F., *Select Letters on the Trade and Government of America* (1774), p. 32.
[3] Chalmers, G., *Opinions* (1814), I, 195.
[4] Howell, T. B., *State Trials* (1814), XX, 289.

in which there was a definite reference to them. The opinion of Richard West, to which allusion has already been made, summed up the position thus: "The common law of England is the common law of the Plantations, and all statutes in affirmance of the common law passed in England antecedent to the settlement of any colony, are in force in that colony, unless there is some private act to the contrary; though no statutes made since those settlements are there in force, unless the colonies are particularly mentioned". In the same manner colonies were not affected by an Act of Parliament passed after their foundation, unless they were mentioned in it or unless it was adopted by their Assemblies or was accepted and acted on by them. But there was no authoritative pronouncement to be had on these points, and in fact different portions of the common and statute law of England were in force in different settlements, while such alterations as were made either in common or in statute law after the foundation of a colony were not received in that colony. Accordingly it followed that most of the new laws affecting a colony were passed by its own local government, so that each colony tended to acquire a peculiar system of law of its own which signally distinguished it from any of the local English bodies which were regarded as its legal equivalent. Of these differences many English lawyers must have been aware, but the tendency of even the most liberal legal mind is rather to stand by the forms which the legal phraseology covers than to change the latter in the light of the facts. Thus on the eve of the American Revolution Lord Mansfield explained that the colonial governments in America were all on the same footing as our great corporations in London.[1] In fact though not in law, in practice though not in principle, there had grown up a vital distinction between the colonial governments and the local English bodies with which they were formally graded, which showed the need of a fresh legal definition of the relationship between the colonies and the parent State.

The remoteness of the colonies was at once the cause and the explanation of these differences, which were known to the English officials and lawyers connected with colonial administration. Members of the Board of Trade and Plantations, especially, were aware that by the end of the seventeenth century "the centre of gravity of colonial administration had been shifted from England to America",[2] but instead of acquiescing in this it was their constant object to diminish the powers of the colonial legislatures. Particularly in America the various settlements were so completely equipped with legal systems and institutions that they were capable of carrying on their own government should the bond that tied them to England be broken. All these points of vast significance needed only

[1] *Parl. Hist.* XVI. 195–7.
[2] Dickerson, O. M., *American Colonial Government*, 1696–1765, p. 173.

investigation to disclose the fact that the Revolution settlement, so satisfactory nationally, was inadequate imperially. But as the idea of growth, familiar enough in the case of individuals, had not yet been thought of as extending to communities, and as there was no open demand from the colonies for a reconsideration of their status in relation to the kingdom, it did not occur to Englishmen that there was any need for an imperial stocktaking.

The great political thinker of the period was John Locke, who was exalted to an especial eminence in the minds of his countrymen because of the ability with which he defended the Revolution. His writings caused him to be associated in a peculiar way with the constitution, as may be seen from the frequency with which his name was quoted by the political pamphleteers of the eighteenth century. The national judgment accepted him as the high priest of a constitution which Englishmen felt was wellnigh perfect. Even a man of so radical a temperament as John Toland (1670–1722) ventured to claim that the English system of government was "the most free and best constituted in all the world".[1]

Locke's two treatises on *Civil Government*, in which he set forth the principles of the Revolution, though ostensibly treating of government in general, were inspired by events in his own country. Yet while his reasoning covered adequately the case of Great Britain, it failed to solve the problems of the Empire, though of that Empire few possessed a fuller knowledge than Locke himself. The friend and secretary of Shaftesbury, he had assisted in drawing up the Carolina constitution and knew the difficulties that beset newly formed communities. After the Revolution he became one of the leading officials of the Board of Trade and Plantations and was noted as an authority on economics. But he never seems to have divined that the government of England and the government of the Empire were two different matters.

This was due to the fact that his works on *Civil Government*, though abstract in form, were essentially a defence of the Revolution. They were political pamphlets in the guise of general treatises on government, and consequently had only a national application. His researches did not extend beyond England, so that he did not realise that what was primarily a national settlement had inaugurated new problems for the Empire. Had Locke cared to stretch his survey so as to take in the colonies, he would have discovered in America ample material to throw light on the minds and temper of the colonists. The first action of New England, on hearing of the Revolution, had been to overthrow the government of Sir Edmund Andros, an action which indicated in unmistakable fashion the detestation with which the colonists regarded English regulation of their affairs. It was fundamentally a protest, not against the tyranny of Andros or of

[1] Harrington, J., *Works*, ed. Toland (1747), p. viii.

James II, but against the principle of government from a distance. This was the significant lesson to be gleaned from America; but the importance of the proceedings at Boston was not discerned by the leading Englishmen of the Revolution period. This possibly may have been because in the eyes of Englishmen New England counted for little in comparison with the West Indies. But the day of Caribbean supremacy was passing, and the Revolution, by bringing Great Britain to grips with France, was to reveal that the centre of gravity in colonial matters was shifting from the West Indies to the Hudson.

Locke could not have gained his high reputation in England as a political thinker by writing merely on government in the abstract; his works owed their peculiar merit to their association with the Revolution. Many Englishmen felt that the constitution had received its final form in 1689, and Locke was appealed to as its most authoritative interpreter. His influence was most actively beneficent in the support which his reasoning lent to the cause of religious toleration. In some respects, however, it was harmful, as his adoption of the doctrine of the separation of powers caused many of his countrymen to oppose the development of Cabinet government. But whereas Englishmen honoured Locke as the foremost defender of their national system of government, Americans valued him as the preacher of general truths. His writings furnished an arsenal of the abstractions that have an irresistible fascination for unsophisticated people and are at the same time difficult to deal with dialectically. Thus it was chiefly as the apostle of liberty that he found favour in American eyes, and during the controversy stirred up by the Stamp Act the colonial pamphleteers underlined their arguments with copious quotations from Locke's works.

Pride of place among the abstractions was held by the idea of natural right, an idea so illusory as to lack the support of any historical argument. Locke did not confine himself to the legitimate sense in which that conception might be employed, namely, that national laws ought to conform to man's innate regard for what is fair and just, but he implied that over and above all national laws there existed a code which all men instinctively recognised and obeyed. Similarly he pressed into his service the equally unhistorical idea of the social compact. It had appeared almost spontaneously in political thought because it seemed to offer a simple and adequate explanation of the relations of men in a political and social organisation, since it laid down an intelligible hypothesis by which law could be reconciled with liberty and freedom with discipline. It proved an effective reply to the theory of the Divine Right of Kings and formed the natural basis of a democratic conception of government. Even the champions of prerogative did not challenge it. It had been accepted by Hooker and it found a place in the works of the most eminent jurists from Grotius to Blackstone.

Borrowing these abstractions from Locke, the Americans employed them to rebut the claims of the British Parliament, as Englishmen in the previous century had used them to combat the pretensions of the Crown. Locke's influence was strongest during the destructive phase of the American Revolution; during the constructive phase it was displaced by that of Montesquieu. For though the doctrine of separated powers was English in inception and had been glorified by the writings of Locke, it was through the medium of the great French thinker that it made its deepest impression on the mind of America.

Considering his eminence as a thinker and his practical knowledge of colonial affairs, Locke threw surprisingly little light on the nature of the problems of the British Empire, and more useful guidance with respect to imperial matters can be obtained from several of his contemporaries, notably Charles Davenant, who by reason of his position as Inspector-General of Imports and Exports from 1705 till his death in 1714 was one of the chief authorities on the trade and revenue of the kingdom. The contradictions which appear in his writings on some important points are themselves of interest as reflecting the conflict between old practice and new tendencies which forms one of the most significant chapters in the history of the eighteenth century. Economists were beginning to value colonies as markets for home manufactures as well as sources of supply, and an opinion was gradually developing that commerce would flourish most where restriction was least. While Davenant showed that he was receptive to the new ideas, he was too much under the influence of routine and official duties to advocate any practical change; and, liberal though his views were, he insisted on that intimate connection between trade and politics which had been the most constant feature of English colonial administration since 1660. He was no victim of the fallacy so prevalent among his contemporaries that money and wealth were synonymous, and he inferred that high duties and prohibitive regulations would retard rather than develop trade, but when he came to deal with these matters in practice he succumbed to the influence of the prevailing view. Thus he accepted the protectionist policy upon which English administration of the colonial system was based, for he approved of the colonies being forbidden to trade directly with other countries than England. His praise of the colonies as useful receptacles for English malcontents could have been written only by one to whom the interests of the mother country were almost the sole consideration. The subordination of the colonies in the imperial system was insisted on. "Colonies", he wrote, "are a strength to their mother kingdom, while they are under good discipline, while they are strictly made to observe the fundamental laws of their original country, and while they are kept dependent on it."[1] An intuition that such a system

[1] Davenant, C., *Works* (1771), II, 10.

would be repugnant to high-spirited men is evident in his admonition not to teach colonists the art of war, though he conceded that Plantations remote from the mother country might be allowed arms and shipping for their protection.

Like many other officials he recognised that the general affairs of America could never be satisfactorily dealt with until the barriers erected by colonial particularism had been pulled down, and he outlined a liberally conceived scheme of American union. It is instructive to note that his diagnosis of the situation drove him, like Bacon and Harrington, to accept the possibility of the colonies becoming "great nations". He realised the wisdom of conceding them a generous measure of self-government, and in this connection one of his sentences has a ring of Lord Durham about it: "Without doubt, it would be a great incitement to their industry, and render them more pertinacious in their defence, upon any invasion which may happen, to find themselves a free people and governed by constitutions of their own making".[1] But the idea of growth crept into his mind rather as a particular instance than as a general principle, for he held it as axiomatic that the potential "great nations" should always be kept "dependent upon their mother country". Consequently there is a striking contrast between his acquiescence in colonial self-management and his proposals to rearrange the colonies to suit the convenience of Great Britain. The settlers in America had spread over more land than could be cultivated or easily defended, and he was strongly in favour of grouping them all in a more compact area.

Touching on the question of the privileges enjoyed by colonists, Davenant stated: "We shall not pretend to determine whether the people in the Plantations have a right to all the privileges of English subjects", and he was anxious that a declaratory law should be made stating that "Englishmen have right to all the laws of England, while they remain in countries subject to the dominion of this kingdom".[2] How far the privileges of English subjects could be reconciled with the dependence which was the fate of colonies Davenant did not stop to examine, but he was strongly of opinion that the legal relationship between the colonies and the kingdom should be properly investigated. He was particularly sound in demonstrating the need of stimulating a love of England among the colonists, for there did not exist either in Great Britain or in the Plantations any sentiment of imperial patriotism.

More consistent, but at the same time more narrow, were the views of William Paterson on colonial questions. Trade was his passion, and his dream of a grand free emporium of commerce ultimately took shape in the Darien scheme, which revealed the necessity of a firmer bond between England and Scotland than that provided by

[1] Davenant, C., *Works* (1771), II, 53. [2] *Ibid.* II, 35, 36.

the union of the Crowns. Even more than Davenant he insisted on the connection between trade and politics, and he strongly favoured the institution of a Council of Trade, for which he was a most pertinacious pleader. Sir Dalby Thomas, the historian of the West Indies, had advocated the establishment of an advisory Council of Trade in the hope of remedying the customs grievances of the colonists,[1] but Paterson designed for his Council a much wider sphere than that. The project was mooted in his Darien proposals, and in 1700 he suggested the institution of such a body to carry on the government of Scotland. After the Union of 1707 he pressed the need of a Council of Trade on the notice of the British Government, but without avail. The essence of his creed was that the rule of merchants would mean good government, because in the interests of trade they would be careful to keep their subjects contented. A trader himself, he entertained the most exalted idea of the beneficent influence of merchants. From their knowledge of the several countries of the world they naturally tended to become "zealous promoters of free and open trade, and consequently of liberty of conscience, general naturalisations, unions, and annexions".[2]

But few shared his faith in merchant princes, in whose ranks there was none more free from the prejudices of the age than Paterson himself. He attacked the restrictions on the colonies and championed the principles of free trade with great clarity and force. He complained that "the navigation and trade of Great Britain only lies now under greater hardships than that of any other country",[3] and he was in favour of granting "a permission trade to the people of all nations upon easy and reasonable terms". With regard to the colonies, he urged that, apart from trade duties, "no impositions may for ever be laid upon the inhabitants without their own consent, and that neither, excepting only toward securing and maintaining their respective governments".[4] But his liberalism was selfishly dictated by the interests of commerce, and his ideals were those of the counting-house.

The dominion which the influence of commerce exercised over his mind led him to deprecate Great Britain's military commitments in the War of the Spanish Succession. The naval efforts[5] that were made did not satisfy him, and he felt that a proper application of maritime power might well have ousted Spain from the West Indies. The same idea was pungently expressed by Swift, who "wondered how it came to pass that the style of maritime powers...did never put us in mind of the sea; and while some politicians were showing us the way to

[1] Thomas, D., *An Historical Account of the Rise and Growth of the West India Colonies* (1690) (*Harleian Miscellany*), II, 365–6.
[2] Paterson, W., *Writings* (ed. Bannister), I, 247.
[3] *Ibid.* II, 170. [4] *Ibid.* I, 149.
[5] See chapter XVIII.

Spain by Flanders, others to Savoy or Naples, that the West Indies should never come into their heads".[1]

Davenant, Paterson and John Law of Lauriston were the most liberal representatives of the school which emphasised the association of trade with politics. If under Law's magnificently conceived system commerce was to be at once the chief aim and principal prop of the State, it was at the same time intended to be the handmaid of the interests of the people. The views of such men, however, were probably less representative of the opinion of the mass of the people than those of such rigid mercantilists as Sir Josiah Child, John Cary and Sir William Petty, who had no sympathy whatever with the idea of colonisation as a process of nation-building and wished to confine Plantations to the tropical and semi-tropical regions of the earth.

From the beginning of the eighteenth century new ideas began to permeate the mercantile system. The craze for stock-jobbing, of which Law's Mississippi scheme and the South Sea Company were the most conspicuous examples, was an indication of changing economic ideas. Land was no longer esteemed as the only source of wealth, and the development of commerce brought into prominence a new class of men who were despised by the landed gentry as upstarts. The domination of commerce was accompanied by a lowering of moral standards, which roused the terrible wrath of Swift against all stock-jobbers. The most influential writer on the Tory side, he yet stood above all parties, so that his judgments are personal rather than partisan. Particularly he resented the aggressiveness of the commercial spirit and the cunning of the Whigs in associating themselves peculiarly with the Protestant succession. "We have carried on wars", he wrote, "that we might fill the pockets of stock-jobbers. We have revised our Constitution, and by a great and national effort have secured our Protestant succession, only that we may become the tools of a faction who arrogate to themselves the whole merit of what was a national act." Stock-jobbers he detested as men "who find their profit in our woes", and he believed that the Whigs were hostile to the landed interest. The influence of the commercial element on government he regarded as deplorable, since under its inspiration men came "with the spirit of shopkeepers to frame rules for the administration of kingdoms". He deprecated the tendency of the age to send every living soul either into "the warehouse or the workhouse". Government, he warned his countrymen, consisted of something more than "the importation of nutmegs and the curing of herrings".

The trend of constitutional development, with its diminution of the power of the monarch, was little to his taste, and it was his constant plea to bring back the constitution to "the old form". But

[1] Swift, J., *Works*, ed. Scott, W., v, 28.

though his view of history was static, he recognised that Magna Carta was not indefeasible but might be changed by Act of Parliament. The position of the colonies under the constitution he never discussed, but like the majority of his countrymen he probably regarded them as mere possessions. If he had had the power, he would have installed the Anglican Church in a more prominent position in the colonies, and it was one of his complaints against the War of the Spanish Succession that it prevented Queen Anne from extending her care of religion to her American Plantations. Swift was an imperialist in the sense that he recognised the need of Great Britain to plant colonies, but he stripped colonisation of its veil of humanitarianism and exposed the sordid motives and brutality with which it was accompanied. Literature contains no more stinging description of the founding of a modern colony than that given in the last chapter of *Gulliver's Travels*. "A crew of pirates are driven by a storm, they know not whither; at length a boy discovers land from the topmast; they go on shore to rob and plunder; they see a harmless people, are entertained with kindness; they give the country a new name; they take formal possession of it for their king; they set up a rotten plank or a stone for a memorial; they murder two or three dozen of the natives, bring away a couple more by force for a sample, return home, and get their pardon. Here commences a new dominion, acquired with a title by divine right. Ships are sent with the first opportunity; the natives driven out or destroyed; their princes tortured to discover their gold; a free licence given to all acts of inhumanity and lust; the earth reeking with the blood of its inhabitants: and this execrable crew of butchers employed in so pious an expedition is a modern colony sent to convert and civilise an idolatrous and barbarous people."[1] At a time when material considerations were in the ascendant there was little of exaggeration in such an indictment.

Swift's contempt of traders predisposed him against the mercantile system, and his own experience in Ireland of the working of that system made him irrevocably hostile to it. The ruin of the Irish woollen industry in the interests of Britain aroused his bitter animosity, and in a pamphlet published in 1720[2] he recommended the Irish people to retaliate on the restrictions on their commerce by a policy of non-importation, a device which was later adopted with some success by the American colonists. He supported Molyneux in his claim that the Irish Parliament possessed the full and sole competence to legislate for Ireland, and the general line he took in opposing British domination was substantially the same as that adopted by the Americans after the passing of the Stamp Act. Thus his advice to the Irish people to use only Irish goods anticipated a

[1] Swift, J., *Works*, ed. Scott, W., XII, 378–9.
[2] *A Modest Proposal for the Universal Use of Irish Manufactures*, 1720.

policy actually carried out by the Americans. Had he been aware of the parallel between Ireland and the American colonies, he would presumably have claimed for the latter what he did for the former. It is at any rate significant that British regulation of Irish affairs drove him to assume the position that the only link between Britain and the country of his birth was provided by the Crown.

The accession of George I ushered in the era of Walpole with its *motif* of *quieta non movere*. It was a period of political stagnation during which the one positive contribution to the national welfare was the enrichment of the kingdom as the result of the peace policy of the great minister. The increasing opulence of the nation and the absence of vital domestic issues hastened the lowering of standards which had begun with the Restoration. Corruption in politics was paralleled by spiritual dyspepsia in the sphere of religion, but as is not uncommon with such periods stagnation bred a complacency which accepted the existing order of things as entirely admirable. Thus the British constitution was extolled as the model of what a constitution should be. The prevalent idea was that it had been fixed for all time, and the pious wish expressed later by George III that the British constitution would continue "unimpaired to the latest posterity as a proof of the wisdom of the nation"[1] simply reflected the views of the great majority of his subjects. A static attitude, in fact, characterised the national outlook in every direction. There was no advance in the national conception of the colonies. For though the *Journals* of the Lords and Commons furnish ample proof of a deep and sustained interest in them, it is plain that this interest was nurtured on commercial, not imperial motives. The comparatively liberal ideas of Tory writers and economists such as Defoe and Davenant with regard to trade in general, which found expression in the abortive attempt of the Tory statesmen, Oxford and Bolingbroke, to arrange a commercial treaty with France on free-trade principles, were repugnant to the merchant class as a whole and to the Whigs who, under Walpole, directed the fortunes of the nation. The extent to which commerce aspired to sway national policy may be discerned in the Whig exposition of principles as contained in the *British Merchant* and the writings of Joshua Gee. The ideas therein laid down are those of the mercantile system as it had been formulated in the time of Charles II, a theory of trade which was alike hostile to commercial dealings with France and unfavourable to our northern colonies in America. Gee was anxious that the Acts of Trade should be administered with the utmost rigour and, realising how similar were the positions of Ireland and the colonies in the British commercial system, suggested that this end could be most quickly attained by applying the principle of Poynings's Law to the colonies.[2] Similarly there was no advance in

[1] Earl Stanhope, *Life of William Pitt*, II, xviii.
[2] Gee, J., *Trade and Navigation of Great Britain considered* (2nd ed., 1730), p. 108.

the legal estimate of the colonies which were still denied the status of political communities, though most of these possessed Assemblies, many of which had absorbed powers that were supposed to be exercised by the governors alone.

Nevertheless, despite the prevailing fixity of view at the beginning of the Hanoverian *régime*, important changes in the form and spirit of the constitution were gradually unfolding themselves, though there were few who recognised that the constitution was in a state of perennial flux. Since 1714 the independence of the Crown in political action had come to an end, a result hastened by George I's ignorance of the English language, and the system of Cabinet development was in process. The importance of these changes was soon to be obvious in colonial affairs. Until 1714 the executive had been the chief agency of British control in the colonies, and its efforts to effect a reduction in the number of governments in America had frequently been thwarted by the refusal of Parliament to sanction in the colonies the extension of a power which it was diminishing in England. But this frustration of English action in the Plantations continued only until Parliament had assured its complete control over the Crown in every field, when it as resolutely denied the claims of the colonists to liberties which challenged its own omni-competence. Against the invasions of the Crown up to the middle of the eighteenth century the colonies could often count on the effective aid of the Legislature; but when American liberties were menaced by Parliament itself there was no power above it to which appeal could be made.

Of these vital changes in form and spirit which were taking place the nation was but dimly aware, and even a man like Bolingbroke scarcely appreciated their significance. Debarred by the Whigs from a parliamentary career, he used his pen through the medium of the *Craftsman* for the purpose of bringing about the downfall of Walpole, whom he accused of usurping the functions of the Crown. With masterly skill he seized on the opening for attack presented by the organised corruption with the help of which Walpole consolidated his position. The subject of colonial appointments was the theme of some of the most stirring articles of the *Craftsman*. The people sent "to king it abroad" were selected for the most scandalous reasons. "One was an excellent buffoon", another had distinguished himself "in the profession of pimping", and "few of these gaunt and hungry Vicegerents set out with a purpose to learn the language or to consult the interest of the Plantations they are sent to govern". It was common talk that many colonial appointments were bought by people who could only reimburse themselves "by fleecing the people whom they are sent to cherish and protect". Never was a time when such protests were more necessary, for corrupt practices had come almost to be accepted as part and parcel of political life. Colonial appointments continued to be given to unsuitable persons, and Junius

could exclaim without straining the truth: "It was not Virginia that wanted a Governor, but a court favourite that wanted the salary".[1]

The jealous exclusion of Tories from political power naturally evoked indignant protests from Bolingbroke, who showed that by the time of George II the differences between the Whigs and Tories were only make-believe. Party had degenerated into faction, so that politics had become merely a contest between the "ins" and the "outs", a struggle for office rather than for principles. Seeking to disparage the idea of a first minister, he stigmatised party as a corroding element in the constitution. The great need of the country was a patriot king who, dedicated to the service of the nation, would select his ministers irrespective of party. Bolingbroke did not realise that he had planned for his patriot king two incompatible rôles, that of monarch and that of chief minister, and the disastrous attempt of George III to establish his system, though in a distorted fashion, exposed the danger as well as the impracticability of Bolingbroke's teaching. The King in his determination to govern as well as reign could meet Bolingbroke's appeal to rise above party only by organising a more sinister party of his own, and the turmoil which his intrigues excited caused the American question for a time to become subordinate to domestic politics. The influence of Bolingbroke, in so far as it was responsible for encouraging George III to seek to control the machinery of parliamentary corruption and to destroy all sense of collective responsibility in his ministers, proved a most unhappy one for his country, which, in the stir provoked by the manœuvres of the monarch, was diverted from paying the close attention they deserved to the vital questions that followed the conclusion of the Seven Years' War. His conception of history was entirely a static one, and his reflections being neither deep nor original, his reputation as a philosopher was confined to his own age. He could offer no secure guidance to the nation in the difficulties which lay ahead of it.

The religious philosopher, Berkeley, intruded an uncommon and nobler feature in his view of the Empire. The conception of it as a gigantic commercial agency was repellent to his mind, and he hoped to harness it to a higher use than the furtherance of British commerce. He was overcome by a sense of the degeneracy of Europe and he had been appalled by the widespread evidences of spiritual desiccation and the mania for gambling which had shaken France and Great Britain. Despairing of the Old World he looked to the New to save humanity and preserve a Christian civilisation. In England, where "infidels have passed for fine gentlemen and venal traitors for men of sense", it was hopeless to undertake any generous enterprise, and so he conceived his grand imperial project of founding a university at Bermuda, which was to form the centre of a Christian civilisation. Berkeley, like Swift, felt that it was a grave reproach to Britain that

[1] Junius, *Letters*, ed. Good, J. M. (1812), III, 103.

she had done nothing to protect from ill-treatment and injustice the races with which her settlers had come into contact, and his Bermuda scheme was designed to accomplish by private means what had been neglected as a public duty. It was, however, ill-adapted for the purpose that he had in view; for 600 miles separated Bermuda from the coast of America in whose bosom resided the Indians who were to be converted and civilised. In itself the particular scheme was not practicable, while it was incompatible with the all-pervading commercial spirit of the times. In an age when Great Britain still lacked a genuine imperial consciousness, the remarkable degree of support which the solicitations of Berkeley received, culminating in a grant from George I of a charter for his college in 1726 and a vote by the House of Commons of £20,000 towards its establishment, was rather a tribute to the gracious personality of Berkeley than a public realisation of a neglected duty. The money voted by the Commons was never paid, and the scheme was allowed to sink into oblivion. In emphasising care of the backward races as one of the obligations of empire Berkeley was in advance of his age, and in other respects, too, he showed a divergence from the ordinary standpoint. That he was not in favour of sending British criminals to the Plantations may be gathered from his suggestion in the *Querist* (1735) that they might be more usefully employed in public works at home than in being transported to America. As a political economist he anticipated in some respects the judgments of Adam Smith, and the tendency of his thought, as expressed in the *Querist*, was inimical to the school that thought of the balance of trade as the highest aim. He did not share the common delusion which confounded money and wealth, for he realised that "industry not gold causeth a nation to flourish", and one wishes that he had vouchsafed a more definite idea of what was in his mind when he suggested that Great Britain "ought to promote the prosperity of her colonies by all methods consistent with her own".[1]

As the eighteenth century progressed, interest in the colonies increased, and though most of it was coloured by the prejudices of the counting-house, traces of a loftier conception began to make their appearance. The wars in which Britain found herself engaged from 1739, and the realisation that their issue largely depended upon events in India and in America, made the mother country anxious on the one hand to improve the organisation for defence in America and on the other to keep the colonies in good humour. The effort to organise a union of the American colonies for defence which was made on the eve of the Seven Years' War, failed by reason of colonial jealousies and a fear of irritating the colonies whose goodwill the mother country needed during the critical struggle with France. At home people were beginning to grasp the fact that there was an imperial problem. Thus in 1741 the historian Oldmixon raised a

[1] Berkeley, G., *Works* (ed. Fraser, A. C.), IV, 475.

question which he did not attempt to answer: "The Portuguese have so true a notion of the advantage of such colonies, that, to encourage them, they admit the citizens of Goa to send Deputies to sit in the Assembly of the Cortez; and if it were asked why our colonies have not their representatives, who could presently give a satisfactory answer?"[1] In the same year very liberal views on colonial government were expressed by a writer in the *Craftsman* of 22 August 1741. The views therein laid down were in many respects contrary to the policy of the Government. In the first place all the colonies might be allowed the privilege of choosing their own governors like Connecticut and Rhode Island. The consequence of such a concession would be "no ill one", for in their own interest the colonies would choose good governors, while the mother country would gain from the fact that they would "rather fear than seek or wish a change" which would put them under another Power than Great Britain. Generous treatment was the only magic wand by which colonial loyalty could be won and would be vastly more effective than "troops, garrisons, armies, Governors, and Bashaws". So much trust had the essayist in this policy that he believed it would be more potent than force in bringing about the downfall of the Spanish Empire. "When our fleet and force comes to the American continent, now in the possession of Spain, must they not be irresistible, if they make this declaration to the Indians, to the Spaniards, and all people there, viz., 'You shall be henceforward governed by laws of your own making, enacted by a free, equal representative, that shall be annually chosen by you, or, if you will, removeable by their constituents at pleasure. The representative shall consist either of one House, or else of two Houses, the one like a committee to form and propose the laws, the other to confirm; it shall be which is thought best, by the best judges of such matters, or as you yourselves shall fix. Your laws shall be put in execution by magistrates of your own chusing, and chosen annually. You shall be protected by our fleets; defended by our garrisons: that is, so far, and so far only, and so long only, as you yourselves shall desire'."[2]

But when the essayist criticised the official policy of creating "a new topping place", "a Viceroy or a General Governor over all our colonies", he showed that what he really relied on to keep the colonies faithful to Great Britain was their disunion. The policy of *divide et impera*, which was never adopted officially, conformed to a very great extent with the national instinct, for there were many people in Great Britain who agreed with the essayist that the colonies were bound to the mother country by the fact that it was not in their power to revolt, since "what may discontent one of them, may not at the same time in the least affect the other". There were many who found the chief

[1] Oldmixon, J., *The British Empire in America* (1741), I, xxvii.
[2] Quoted in the *Scots Magazine* (1741), III, 363–4.

assurance of British supremacy in their "distinctness and independency of one another", and the official policy of centralisation was consequently held in suspicion, since it might result in a "general discontent all at once throughout all" the colonies. The strength of this sentiment became most apparent after the American question was raised, and the following quotation sounded a note echoed in many pamphlets on the British side: "Our greatest security and power over them must consist in their disunion...we should rather make them rivals for our favour, than united friends in opposing us".[1] Such utterances can be countered by those of other writers with a truer vision, but they undoubtedly expressed a section of opinion.

The liberal concessions advocated by this essayist must be further discounted; they were all conditional on colonial commercial subordination. His interest in the Empire lay in the fact that "whatever is in any way got by the colonists there, does finally centre here in the superior or mother country". The sheet anchor of the Empire consisted of "our *Act* of *Navigation*, whereby they are obliged to traffick wholly with us; so that all their superfluous wealth, gained by the industrious, dissipated again by the luxurious, terminates here in the purchase of our costly manufactures". The apparent generosity of this writer, then, was fed on strictly business and selfish motives. Colonial loyalty was but a species of investment, not so safe, however, as colonial disunion.

More liberal in character were the views expressed by David Hume in his *Essays*. He was not inspired by the reverential regard for the Glorious Revolution which characterised the earlier writers of the century, and he broke away from the static method of treating history in his recognition that it was "on opinion only that government is founded",[2] and that opinion was in a state of perpetual flux through "the progress of learning and of liberty". In his exposure of unhistorical abstractions and in his respect for expediency he was the forerunner of Burke, and in his plea for the abolition of restrictions on trade he prepared the ground for Adam Smith. But while the general views of Hume manifested a real grasp of historical method, he was sometimes betrayed into rash conclusions. Thus in his essay *Of National Characters* (1742) he rejected the doctrine of Montesquieu that "the empire of the climate is the first, the most powerful of all empires",[3] and sought to demonstrate that men did not "owe anything of their temper or genius to the air, food, or climate".[4] This rejection of the theory of the eminent French thinker is particularly noteworthy, because the difficulty of adjusting relations between the mother country and the colonies was very greatly increased by the differences that had developed between the American character and that of England. When a cool and dispassionate

[1] *Scots Magazine* (1765), XXVII, 636–8. [2] Hume, D., *Essays and Treatises* (1788), I, 37.
[3] Montesquieu, *Esprit des lois*, Bk. XVII (ed. of 1793), I, 334. [4] Hume, D., *op. cit.* I, 179.

thinker like Hume failed to discern the rise of a new nation, it is not surprising that most of his countrymen were equally at fault.

Meanwhile an imperial consciousness was being fostered in Britain by the challenge of France, and the shifting of interest from the West Indies to the Hudson, which war involved, brought into greater prominence the hitherto neglected northern continental colonies. Governor William Shirley of Massachusetts had long been uneasily aware of the military weakness occasioned by the lack of co-operation among the British colonies which threatened to be fatal in face of the centralised power wielded by the Governor of New France, and his persistent advocacy of a plan of union for purposes of defence was responsible for the conference which with the approval of Lord Halifax assembled at Albany in 1754 and for making the subject of colonial union the most important issue before it. The scheme which was discussed and approved by the conference was the work of Benjamin Franklin. The colonies, however, objected to it on the ground that it infringed too much on their liberties, and Shirley disliked it because "the Prerogative is so much relaxed in the Albany Plan, that it doth not appear well calculated to strengthen the dependency of the Colonies upon the Crown, which seems a very important Article in the consideration of this Affair".[1] Shirley proposed to keep the colonies in dependence by debarring them from any voice in the choice of the Grand Council and by taxing the colonies through the British Parliament. These suggestions were submitted to Franklin who at once took exception to them on the score that they violated the principle of "No taxation without representation". Though the colonies may be fairly criticised for having by their jealousies defeated a measure which was widely admitted to be an urgent reform, it is tolerably certain that a plan which failed to secure the approval of Franklin, who was a friend of union, would have excited active discontent throughout America at a time when the Government could not afford to sacrifice the goodwill of the colonies.

Apart from the question of union the facts of the situation caused political and territorial problems to assume pre-eminence over mere matters of commerce, for in the course of the Seven Years' War British statesmen found themselves confronted with issues wherein the simple tenets of the mercantilists offered them no adequate guidance. Consequently the war closed amid an atmosphere of disturbing potentialities; for the Peace of Paris, by providing for the retention of Canada and the Ohio basin in preference to the French West Indian islands, marked the first serious departure of the British Government from the principles of the politico-economic school which had hitherto dominated colonial administration, and the assumption of a genuinely imperial policy.

[1] Shirley, W., *Correspondence* (ed. Lincoln), II, 96, 111–16; Franklin, B., *Works*, III, 57–68.

Nation-building, however, predicated an idea for which the nation was as yet hardly prepared. It is true, as is shown elsewhere, that the so-called mercantile system existed rather as a doctrine than as a matter of practice, yet the nature of the pamphlets poured out from 1755 onwards testifies to the bondage of the national mind to commercial motives, and while there can be no question that there was a genuine national interest in the Empire, it was too much inspired by considerations of the convenience of the mother country. Time as well as knowledge was needed for the blossoming of a wider and more sympathetic feeling, and in the middle of the eighteenth century there were few qualified to follow Pitt. Among these few was Thomas Pownall who had captured something of the splendour of the true imperial idea. His plea for the application of the mercantile system on an imperial instead of a national basis by the development of a "grand marine dominion" was the fruit of a sentiment of imperial patriotism, which for him was lord and sovereign over every other consideration. The sentiment was one in which many Britons and colonists were lacking, but it was capable of being inspired by such a personality as Pitt's. During the critical years following the passing of the Stamp Act Pownall was quick to catch the first murmurs of the rising tide of American nationalism and he was anxious to keep the new American nation within the British Empire.[1]

The colonial protests evoked by the Stamp Act were a warning that the colonial system was in need of overhauling, and in 1765 Governor Bernard wrote to Lord Barrington that all the political evils in America arose "from the Want of Ascertaining the Relation between Great Britain and the American Colonies".[2] The American question formed, in truth, the strongest possible test of the capacity of the British constitution to fulfil an imperial as well as a national function. In such a crisis, when at last the facts of the situation were being laid bare and analysed, everything depended on the manner in which the question was approached. Nothing could have been more disastrous for the Empire than that legalism should have taken the prominent place it did in the dispute.

Prior to 1763 the colonies had not denied the right of the British Parliament to legislate for them, but that was because up to that time the function of Parliament in colonial matters had been regulative rather than administrative.[3] The Stamp Act, however, seemed to foreshadow the more active and sustained intervention of Parliament in their internal affairs, and the colonists, thoroughly alarmed, attacked the measure as unconstitutional. The controversy revealed a wide cleavage of idea between the Americans and the people of Britain.

[1] Pownall, T., *Administration of the Colonies* (1774), pt II, pp. 84–6.
[2] Bernard, F., *op. cit.* pp. 32–3.
[3] Osgood, H. L., *The American Colonies in the Eighteenth Century*, III, 12.

The omni-competence of Parliament was now accepted by Englishmen as the salient feature of the constitution. They had come to realise that the constitution, in the words of Lord Mansfield, "has always been in a moving state, either gaining or losing something",[1] an idea which would have seemed as preposterous to most Englishmen a generation back as it did to the Americans, whose view was summed up in a sentence by Samuel Adams: "In all free states the constitution is fixed". Similarly the concepts of natural law and the contractual theory of government, which formed the chief dialectic weapons of the Americans, had become for most Englishmen exploded superstitions to which they could hardly listen with patience. It was, therefore, difficult to find a plane where the disputants could meet without misunderstanding each other's position.

Once the controversy was suffered to topple into the mire of legalism, the last no less than the first refuge of the narrow-minded, then the issue seemed in British eyes to whittle down to one of right. What were the powers of Parliament? In such guise the issue assumed a form particularly congenial to minds insensitive to the pressure of facts and the solicitation of new ideas. To such, all that was necessary was to obtain the most authoritative legal opinion. This line, which was followed in many pamphlets, was little calculated to assuage political passions, in the atmosphere of which the shafts of Samuel Adams, feathered by the determination to extort independence, could be discharged with most telling effect. It was a foregone conclusion that legal opinion would be overwhelmingly in favour of the claims of Parliament. Juridically there had been no advance in the status of the colonies since the seventeenth century, and Lord Mansfield's dictum that the American governments were "all on the same footing as our great corporations in London" was according to the letter of the law. Among British jurists the only one of eminence to befriend the American cause was Lord Camden, who took up the position, unsupported by history or jurisprudence, that the constitution was "grounded on the eternal and immutable laws of nature".[2]

This legal definition naturally resulted from the constitutional points raised in the course of the debates on the repeal of the Stamp Act, and need not have been dangerous had the relation of the constitutional issue to the demands of imperial unity been kept in mind. There developed, however, an unfortunate tendency in Great Britain to base all claims on what the law allowed without sufficiently examining the extent to which legal definition accurately interpreted the realities of the situation. Possibly the influence of Sir William Blackstone contributed to fix British attention too closely on what were deemed to be legal rights at the expense of what was expedient. His lectures at Oxford, which in their published form as *Commentaries on the Laws of England* (1765) were widely read in Great

[1] *Parl. Hist.* XVI, 197. [2] *Ibid.* XVI, 178.

Britain and America, had revived interest in the study of English law. He supported in the most explicit terms the omni-competence of Parliament: "What Parliament doth no authority upon earth can undo".[1] It would be unjust to charge Blackstone with being hostile to reform—in fact, his exposition prepared the ground for the legal reforms that were accomplished in the nineteenth century—but he expressed such satisfaction with the constitution as to convey the impression that it required no amendment, and so confirmed the minds of his readers in the legalistic habits of thought that were politically so disastrous.

[1] Blackstone, W., *Commentaries on the Laws of England* (ed. of 1773), I, 161.

CHAPTER XXII

(I) IMPERIAL RECONSTRUCTION, 1763–5

AN Empire of vast extent had been won. Its acquisition brought with it new problems of expenditure, of administration, and defence. Attempts to solve those problems provoked a constitutional struggle with the American colonies which ended in the loss of a great part of the Empire in the West. At first the sun shone in an almost unclouded sky. The expulsion of the French from Canada and of the Spaniards from Florida had at last almost wholly freed the Americans from the threat which had so long haunted them. They had taken their share in the effort to achieve their deliverance, but they were well aware that they owed it and the bright future which now seemed to open before them to the British fleet and the British army, and the minister whose name they celebrated in Pittsburg, the successor of Fort Duquesne. In an Address to the King the Assembly of Massachusetts Bay fully acknowledged this debt. The People, they declared, would show their gratitude by every possible testimony of duty and gratitude.[1]

Whilst the eloquence and idealism of Chatham had stimulated in the British race a sense of pride in their Empire, the necessity of remodelling the administrative machinery of the colonies in the direction of imperial co-ordination had for some time been apparent. The defects of the loose control of the colonies, arising out of the period of so-called "salutary neglect", were emphasised by the problems created by the issue of the Seven Years' War. The preparation of measures calculated to meet the new requirements of imperial administration was largely the work of one man, Lord Halifax. He was gifted with considerable imagination and ability. His interest in colonial affairs was intense, and he clearly perceived their ever-growing importance. From 1748 to 1765, except for a brief interval, he held positions in successive ministries which gave him the chief responsibility for the development of the overseas dependencies.

The most urgent of imperial problems was that of defence. That a combination among the American colonies for that purpose was necessary, was the view long held by every intelligent colonist.[2] It was in this connection, when both French and British were preparing for the hostilities which broke out in 1755, that Lord Halifax made his first proposal for altering the imperial machinery. At the conference at Albany, 1754, called at his suggestion to confirm the

[1] Hutchinson, T., *Hist. Mass. Bay*, III, 101.
[2] See Kimball, G. S., *Corresp. of Pitt with Colonial Governors*, *passim*.

alliance with the Iroquois Indians, the Americans themselves formulated a plan of union by means of which they would be able to tax their whole body for the purpose of carrying on war. Nothing came of that proposal. But at the same time the subject was being considered by the Board of Trade. Halifax's immediate purpose was to stop the encroachment of the French upon territory claimed by the British. With this object in view, it was recommended that a royal military officer should be appointed, to be responsible both for colonial defence and the management of the Indians. His salary as Commander-in-Chief of the Army and Commissary-General of the Indian Department was to be paid by the colonies, which were to remain responsible for the frontier forts and the usual presents to the Indians, each contributing a quota of the expense in proportion to its wealth and population.[1] If this scheme had been adopted, the financial burden of the war in America would have been borne mainly by the colonies. But there was no time to put it into operation. War was imminent. One important part of this plan, however, was adopted. As an answer to the despatch of a large military force by France, General Braddock was sent to America in 1755 as Commander-in-Chief of all land forces, regular and colonial. The experiences of the war of 1744–8 had shown that this step was a strategic necessity in order to meet the more centralised military system of the French in Canada. From that time onwards there was always stationed in America an imperial military officer, whose authority extended over all the colonies. His presence put some check on local autonomy and was not seldom the cause of friction.[2]

Braddock was also instructed to inaugurate an important political reform. Hitherto, all relations with the Indians had been under the jurisdiction of the provincial officials.[3] That system had not proved successful. From the earliest times fur-traders and land-speculators had cheated and imposed upon the natives. Time and again Indian chiefs were plied with rum, and, when rendered sufficiently drunk, were induced to sign away huge concessions of land, without knowing what they were doing. Goods were bartered at outrageous prices by traders using all the chicanery of false weights and other devices familiar to the petty swindler. No proper control was exercised over these Indian traders. Governors like Spotswood of Virginia or Burnet of New York might endeavour to establish a system of monopolies, trading-posts and licences; but for the most part, protected by the mountains and forests of the wilderness, the traders continued to defraud the Redskin without scruple and without restraint. Impartial observers declared again and again that it was

[1] O'Callaghan, E. B., *N.Y. Col. Docs.* VI, 903; Alvord, C. W., *Mississippi Valley in British Politics*, I, 117.
[2] Carter, C. E., *Great Britain and the Illinois Country*, pp. 17–20, 49–72.
[3] See Osgood, H. L., *American Colonies in the Eighteenth Century*, IV, 299 seqq.

such abuses, and such abuses only, that occasioned the terrible Indian wars and outrages on the frontiers.[1] The protection of the natives had long exercised the Home Government. It was, besides, important from a military point of view to secure the friendship and alliance of the Indians, who were already regarding with dismay the advance of the Pale-faces into their territory in the Mississippi Valley. Braddock was, therefore, instructed to appoint officers to control all political transactions with the natives. The jurisdiction of these superintendents of Indian affairs was divided between northern and southern districts, with a boundary line south of the Ohio River. Charge of the northern district was given to Sir William Johnson, a man of great ability, skill and experience in dealing with the Indians. The best known superintendent in the south was John Stuart. Both these agents gradually extended their power over political relations with the Indians so as to include control of purchases of land and the fur trade.

As soon as peace was signed, one of the first duties of the Government was to reduce the establishment of the Army and Navy to a peace footing, whilst providing adequate protection for the greatly extended Empire. The large issue of the Seven Years' War had been the expansion of the British race in the British Empire. But the war had originated in America, and most directly it had been waged in the interests of the American colonies. Though the Americans as a whole had done their share of fighting, the experience of the war had shown how impossible it still was to rely upon the several colonies to combine in a scheme for their own defence. It was naturally expected that the Americans should contribute handsomely towards its successful conduct both in money and in man power. But as the contributory scheme suggested in 1754 had not been adopted, it became necessary to fall back on the old method, which had so often before proved unsatisfactory, of sending requisitions for troops to the separate colonies. The response to such requisitions had varied in proportion to the goodwill or self-interest of the respective provinces. Virginians and Pennsylvanians were acutely interested in the dispute with France over the forks of the Ohio; the Northerners were not. The Southerners, on the other hand, objected to sending their troops into Canada. But neither Virginia nor Pennsylvania, in which colony Quakers, opposed to all warfare, predominated, contributed the quota expected from them. A quarrel between the governor and the Legislature had the same result in Maryland. The situation improved when, under Pitt, grants of money were regularly made by Parliament towards the military expenses of the colonies. But even so, only Massachusetts, Connecticut and New York came near to supplying the desired quotas. With a population numbering no

[1] See *Cal. St. Pap. Col.* 1714–15, no. 521, etc.; 1716, no. 146, etc.

more than one-third of the total, they provided about seven-tenths of all colonial troops.[1]

It seemed evident, then, that the defence of the colonies must depend upon the energy and initiative of the mother country, and that for this purpose a standing army must be kept in America. It was decided, therefore, to maintain twenty battalions (10,000 men) in that service. The mother country was to pay the whole expense of this establishment for the first year. After that, it was understood, the cost of the army was to be paid, in part at least, by the colonies it was intended to protect, "as is reasonable" was the comment of Edmund Burke.[2] Such a step was regarded by Benjamin Franklin also at this time as reasonable and, indeed, desirable. He saw in the possible establishment by Parliament of "some revenue arising out of the American trade to be applied towards supporting troops" in America a source of protection from foreign enemies and internal disorder "without the expense and trouble of a militia".[3] The proposed establishment had indeed been denounced by Burke and the Opposition as excessive and unnecessary. But they were silenced by Pitt, and the measure passed the House of Commons in March 1763. It was, in truth, a small Enough force for guarding an Empire which now extended from the Bahamas to Tobago, and from Pensacola to Quebec, apart altogether from the task of garrisoning the chain of forts which stretched along a line of 3000 miles from the St Lawrence to the Mississippi. The distribution of troops on the continent had been entrusted to General Amherst, who had been appointed to the American command by Pitt. He had divided them among the frontier forts, of which the most western centres were Niagara, Detroit, commanding the passage from Lake Erie to Lake Huron, and Pittsburg. Detachments from these centres garrisoned the smaller forts. Michillimackinac (Macinac) commanded communications between Lakes Huron and Michigan. Fort St Joseph, near the foot of the latter lake, Fort Ouatanon, on the Wabash River, and Fort Miami, on the Maumee, were links in the chain between the southern points of Lake Michigan and Lake Erie. Thence, along the southern shore of Lake Erie to Niagara, the line was held by the Forts Sandusky, Le Bœuf and Presqu'ile. On the line from Pennsylvania to the Ohio stood Forts Cumberland, Bedford, Ligonier and Pitt, whilst northwards to Niagara Fort Venango linked Forts Pitt and Presqu'ile. This arrangement proved very expensive on account of the cost of transporting supplies through the wilderness. But Amherst defended his dispositions on the ground that these scattered and advanced posts would encourage settlers to occupy the frontier in their vicinity and so act as a barrier against the French and Spaniards.

The need for maintaining a regular army in America was amply

[1] Cf. Beer, G. L., *Brit. Col. Policy*, p. 68.
[2] *Annual Register*, 1763, p. 21.
[3] Franklin, B., *Works*, IV, 89.

demonstrated in this very year, 1763. After the fall of Montreal, the Indians had appeared to acquiesce in the handing over of the French posts on the Great Lakes and at the back of Canada, and even in the transference of the whole country, which they regarded as their own, to another white nation without their being consulted. But the smouldering fires of discontent lit by this grievance were fanned by the French traders and agents who lived amongst them, and at length burst out into flames. Under the leadership of an Ottawa chief named Pontiac, a confederation of all the Indian tribes from Michigan to Mobile was formed, on a grander and more successful scale than that which had desolated Carolina in 1715. The Six Nations, indeed, under the influence of Sir William Johnson, for the most part remained loyal. But the Senecas joined the confederacy. Pontiac planned a simultaneous attack upon the whole line of forts in the hope of driving the British into the sea.[1] Nor was the design without some prospect of success. For those distant forts, isolated in the frontier-wildernesses, were now garrisoned by the wretched remnants of a motley regiment, who were left, as had so often been the case with colonial garrisons, short of clothes, provisions, arms and pay.[2] On 10 May the Indians under Pontiac suddenly attacked Fort Detroit. It was gallantly defended by Captain Gladwyn. But before the middle of June all the other posts above mentioned, except those between Pennsylvania and the Ohio, had been captured and their garrisons massacred. All those settlers who escaped torture and death fled in panic. Their farms were laid waste. Only the few thinly garrisoned forts from Niagara to Pittsburg and Detroit, tenaciously blockaded, saved Pennsylvania, Maryland and Virginia from devastation. After some delay, Amherst organised a relieving column to march under the command of Colonel Bouquet along the line of these forts. Being in great straits for want of regular troops, he applied to Pennsylvania for help. The Quaker province refused to provide a man. Nor would the refugee settlers themselves take arms to defend the forts or face the Indians. Of the 500 regular troops who set out under Bouquet, no fewer than sixty were Highlanders who ought to have been in hospital. Too weak to march, they were carried in waggons to reinforce the garrisons on the way. It was with this force, augmented by a few backwoodsmen, that Bouquet, after a long march, fought a desperate battle with the Indians near a stream called Bushey's Run, some twenty miles from Fort Ligonier. The heroic endurance and disciplined steadiness of his troops, combined with a stratagem inspired by his experience of Indian warfare, at last enabled him, after twenty-four hours of critical fighting, to put the enemy to flight (6 August 1763).

Amherst, after again appealing to the Americans to call up local

[1] See Parkman, F., *Conspiracy of Pontiac.*
[2] Fortescue, J. W., *Hist. of the British Army*, III, 13.

levies for their own defence, returned to England, leaving the final suppression of the rising to his successor, General Gage. The Virginian militia had already taken the field; but the New England colonies evinced extreme reluctance to comply with Amherst's appeal for aid. Everywhere there was evasion or delay. New Jersey and New York, whose frontiers were being ravaged by the Senecas, stipulated that two-thirds of their men should be employed on their own borders. Massachusetts and Connecticut made similar conditions. The Quaker Assembly of Philadelphia refused to vote its contingent until a body of Pennsylvanian borderers marching upon Philadelphia compelled it, after first calling upon the King's troops for protection against its own people, to consent to take steps to defend them. When raised, 300 of the Pennsylvanian contingent deserted within a month. But at length, after a war of extreme horror lasting fourteen months, the confederacy was shattered by columns operating under Colonels Bradstreet and Bouquet, and peace was signed in September 1764.

The brunt of this arduous warfare was borne by British troops. The reluctance of the colonists to co-operate or even to contribute men for their own preservation had again been clearly demonstrated. But the problem of imperial defence was not confined to danger from the Indians. France, it was thought, would endeavour to regain Canada, and might be helped by an insurrection of her former subjects. In any such war the presence of British troops in America would prove a vital factor. Otherwise French forces massed in the West Indies might be moved to the continent, whilst the arrival of transports from distant England would be left to the hazard of the winds and waves. Moreover, the Spaniards still held New Orleans and the Mississippi.

A standing army, then, was to be kept in America. There remained the problem of paying for its maintenance. Great Britain had been left with an enormous bill of costs to pay. Her debt was double what it had been before the war, and now amounted to over £130,000,000. She was faced, too, with the prospect of greatly increased expenditure in holding and settling her new possessions all over the world. The land tax stood at four shillings in the pound. Since, in America, the advantages to be derived from this great imperial expenditure would to a large extent accrue to the colonies, it was generally agreed that they ought to shoulder some part of the financial burden now laid upon the mother country. It was in these circumstances that Bute's Government had begun to contemplate a change in colonial administration, which should include the establishment in America of a uniform system of government, and of regular troops supported by taxes levied in the colonies by Act of Parliament.[1]

When Bute suddenly insisted upon resigning after peace was made, the direction of affairs passed into the hands of three men, popularly

[1] Knox, W., *Extra-Official Papers* (1789), II, 29.

designated "The Triumvirate". These were George Grenville, First Lord of the Treasury and Chancellor of the Exchequer, whom Bute had named as his successor, Lord Egremont and Lord Halifax, Secretaries of State (April 1763). During his brief Presidency of the Board of Trade, Charles Townshend had proposed a scheme for taxing the colonies by the authority of Parliament. In this he was following the policy of Halifax, who had suggested the imposition of a stamp tax to Pitt,[1] and he was strongly supported by Lord Mansfield and George Grenville. Townshend, however, resigned before he could proceed with his measure in the House (March 1763). To Lord Shelburne, who succeeded him as President of the Board of Trade and Plantations, Egremont now addressed three questions on behalf of the Government (5 May 1763): (1) What new governments should be established in North America, and in what form, etc.? (2) What military establishment would be sufficient? and (3) In what way, least burthensome and most palatable to the colonies, could they contribute towards the additional expense which must attend their civil and military establishments upon the arrangements to be proposed?

The expediency of such contribution, it will be observed, was assumed. In considering the first question, Lord Egremont laid stress upon the importance of deciding two points: "By what regulations the most extensive commercial advantages may be derived from those cessions, and how those advantages may be rendered most permanent and secure to His Majesty's trading subjects?" The newly acquired territory in America had been divided in the past into three districts. To the north lay Canada with some 70,000 French inhabitants; at the extreme south were the Floridas, the land along the Gulf of Mexico, with a few Spaniards living in small and unimportant villages. Between these stretched an immense wilderness around the Great Lakes and in the eastern half of the Mississippi Valley, the home of Indians, wherein were only a few small French settlements such as Detroit and Kaskaskia. It was evidently understood that these districts, so different in themselves, would require different treatment. The representation of the Board of Trade in answer to Egremont's enquiries was dated 8 June 1763. Shelburne proposed that three new colonial governments should be formed. One was to consist of the newly acquired islands in the West Indies, the others of Florida and the province of Quebec. The question of what to do with the region west of the mountains was complicated by Indian rights and rival colonial claims. The opening of that territory for settlement had been deferred during the war. For not only was it a question which must be decided in connection with the rights and protection of the Indians, but the Imperial Government very properly held, then as on future occasions, that land speculation on debatable borders was not permissible in time of war. Not a little

[1] Williams, Basil, *Life of William Pitt*, I, 299.

to the disgust of speculators in furs and lands, colonial governors were instructed in 1761 to prohibit all land purchases beyond the Alleghany Mountains. Several colonies, however, including Massachusetts, Connecticut, Virginia and North Carolina, had received by royal grants extensive titles reaching to the Pacific, and their citizens were looking forward to immensely profitable developments in that direction. Other colonies, on the other hand, such as Pennsylvania, whose western boundaries were defined, held now that the trans-Appalachian region having been conquered by the imperial army, its ownership was vested in the Crown.

Regarding the protection of the Indians as an imperial trust, Shelburne proposed to reserve "a large tract of country round the Great Lakes as an Indian country, open to trade, but not to grants and settlements", and that the governors of the existing colonies should be instructed not to make any new grants of lands beyond certain fixed limits. The boundary between the Indian hunting grounds and the region open to immediate settlement should be determined by the superintendents of Indian affairs, who were to satisfy the Virginians by immediately opening for occupation the lands in the upper Ohio Valley. The protection of the vast territory west of the Appalachian Mountains and the Great Lakes was to be secured by the existing forts and such garrisons as the commander-in-chief might find necessary. The proposed restriction of the bounds of Canada so as not to include the newly acquired western territory Shelburne deemed desirable, because it would prevent settlers from moving to remote places where "they neither could be so conveniently made amenable to the jurisdiction of any colony nor made subservient to the interest of the trade and commerce of this kingdom by an easy communication with and vicinity to the great River of St Lawrence". As to contributions from the colonies towards the expense of their civil and military establishment, "on this point of the highest importance" the Board of Trade declined to give an opinion on the information then at its disposal.

Shelburne soon found himself in disagreement with his colleagues not only as to taxing the colonies, but also as to the conduct of colonial business and the arrest of Wilkes. When, upon the death of Egremont, an attempt was made to induce Pitt to join the ministry, Shelburne acted as intermediary. The negotiations failed. Shelburne resigned and, enlisting under the banner of Pitt, became the most intimate and weighty of his supporters. He was succeeded at the Board of Trade by Lord Hillsborough. The Duke of Bedford joined the Government, and a mixed ministry of Whigs was formed of his followers and those of Grenville, with Lord Halifax and Lord Sandwich as Secretaries of State (September 1763). So it came about that the famous Proclamation of 7 October 1763, which was founded

mainly upon Shelburne's proposals, was issued by his successors. In this matter Halifax was, no doubt, the directing genius.

The publication of the Proclamation was hastened by the conspiracy of Pontiac. The dangers of that rising, as we have seen, were great, but ministers feared even more the French intrigues to which they were attributed. The confidence of the Indians, it was felt, would be restored by the immediate announcement of the real and friendly intentions of the British Empire. Shelburne had proposed that the boundary line of the Indian territory should be run by the superintendents of Indian affairs. But the present crisis would not await the slow procedure of surveyors. The Appalachian divide was therefore adopted as a convenient and conspicuous natural boundary. By the Proclamation the "extensive and valuable acquisitions secured to the Crown by the late Treaty" were erected into four separate governments—Grenada, Quebec, East Florida and West Florida. The boundaries of the latter provinces were defined.[1] The coast of Labrador, with the adjacent islands, from the River St John to Hudson Straits, was assigned to the Government of Newfoundland; Cape Breton and the adjoining islands to Nova Scotia. The Government of Grenada, with representative institutions, embraced all the British Windward Islands, Dominica, St Vincent, the Grenadines, Grenada and Tobago. The Crown lands in all three islands were put up for sale. In St Vincent the division of lands roused the resentment of the natives. These were nearly all "Black Caribs", who had ousted the original natives, and now numbered about 2000. They refused to acknowledge allegiance to any European king or to accept any scheme for the settling of the disputed lands. Only after troops had been brought from North America were they compelled to acknowledge British supremacy, and to accept the reserves of land assigned to them in the north of the island.

The governors of the three new colonies upon the continent were empowered to make grants to settlers upon the usual terms as to quit-rents, etc., and free grants to soldiers and sailors who had served in North America during the late war, and were actually resident there. For the protection of the Indians in the hunting grounds reserved to them, the Governors of Quebec and the two Floridas were forbidden to issue any warrants of survey or patents for lands beyond the bounds of their respective governments, or beyond the "sources of any of the rivers which fall into the Atlantic Ocean from the West or North West", or upon any lands reserved to the Indians. All the land not included within the territory granted to the Hudson's Bay Company was reserved under British sovereignty for the use of the Indians, as also the land lying to the westward of the sources of the rivers which fall into the sea from the west or north-west. The purchase or settlement of such lands, without special leave, was

[1] See chapter xxv, p. 776.

prohibited, and settlers there were ordered to remove. To prevent the great frauds and abuses which had formerly been committed in obtaining lands from the Indians, all purchase by private persons of lands reserved for the Indians was forbidden. For the future, the sale of such lands was to be negotiated only by governors at a public meeting with the Indians. Trade with them was declared free, but all Indian traders must take out a licence from the governor and give security for observing the regulations imposed. Henceforth the Indian subjects of the King were to be protected by the Crown from exploitation by unscrupulous traders and settlers. Such intervention by the Home Government was in harmony with the best traditions of British colonial government.[1] But the boundary so set between the colonies and the Indian territory, limiting as it did speculation in the western lands, and involving a denial of the claims of the existing colonies to a right of indefinite expansion in that direction, caused bitter resentment and suspicion. It was represented as a selfish attempt to curtail their liberties for the benefit of the British Exchequer. It was, in fact, an endeavour to substitute for the haphazard methods of land settlement which prevailed in many colonies an organised system under the supervision of imperial agents. Subject to the observance of the considered regulations and the rights of the Indians, the Government was anxious to encourage honest settlers to move westwards beyond the mountains.

The haste with which in the end the Proclamation was issued resulted in some unfortunate blunders. Canada, in particular, was affected by the hurried imposition of the ideas of Halifax upon those of Shelburne. For whilst the latter had intended to permit the French inhabitants to enjoy their own laws and customs, Halifax decided at the last moment to include in the Proclamation the decisions affecting all the new colonies, emphasising, in order to attract immigrants, the advantages of English law and representative institutions. Shortly afterwards, instructions were sent to the Governor of Quebec to the same effect as those normally issued to governors of other colonies. English law was thereby substituted for French law in Canada. This was a blunder which was to prove the source of much trouble for some years.[2]

When Grenville succeeded Bute, he was at once confronted, as Chancellor of the Exchequer, with the pressing problem of finance. A man of great industry and ability, and guided by a stern sense of duty, he was a master of detail, but lacked that quality of statesmanship which can see beyond the legal aspect of a question and forecast the ultimate reactions of a measure upon society. He was, as we have seen, already disposed to call upon the several parts of the new Empire to contribute towards its expenses. To the heavy burden of debt and

[1] Cf. Kingsford, W., *Hist. of Canada*, v, 127 seqq.; Alvord, C. W., *Genesis of the Proclamation of* 1763.

[2] Cf. *Grenville Papers*, II, 476.

taxation which the mother country had to bear, was now added the cost of suppressing the conspiracy of Pontiac. Looking about for new sources of revenue, Grenville could not fail to be impressed by the enormous extent to which the Acts of Trade were being evaded in America. It has been computed that nine-tenths of the tea, wine, fruit, sugar and molasses consumed in the colonies were being smuggled.[1] The chief Custom House officers resided in Great Britain, and so consistently did their poorly paid deputies in the colonies wink at breaches of the Acts of Trade that the whole revenue collected by them did not amount to £2000. This sum it cost the British Exchequer over £7000 to collect. The matter had been brought into prominence during the war by the flagrant treachery of American merchants in trading with the enemy. The French armies in Canada and Louisiana had been plenteously provided with stores by the colonists, who had also supplied goods and provisions for the enemy's expedition to the Ohio Valley. Thus the price of produce required for the British army had been enhanced by the competition of the enemy's commissariat.

The wrath of Pitt had been roused by the callousness of this illegal and unpatriotic traffic, by which the resistance of the French was prolonged "principally if not alone,...in this long and expensive war". He gave the strictest orders to governors to bring "all such heinous offenders...to the most exemplary and condign punishment", and, after the fall of Quebec, employed the Navy to bring it temporarily to an end.[2] Grenville, in order to increase the revenue, decided to do likewise. The Custom House officers were ordered to their posts, and governors were instructed to help them in suppressing illicit trade. Warships were moved to the coast with orders to intercept smugglers. At the same time the Molasses Act of 1733, which had expired in 1763, was renewed, in spite of the urgent representation of the Americans. Several important modifications were, however, introduced. The duty on molasses was reduced from 6*d.* to 3*d.* per gallon. But new duties were laid upon coffee, pimento, French and East India goods, white sugar and indigo from foreign colonies, and upon Spanish and Portuguese wines. Stringent measures were taken to enforce the law. Bonds were exacted from exporters; the jurisdiction of the Admiralty Courts, which tried smuggling cases without a jury, was enlarged; and naval officers were required to act as revenue officers. The pill was gilded by the granting of bounties upon flax and hemp; Georgia and Carolina were permitted to export their rice to the French West Indies; and the duty on the whale fishery was taken off, an important concession to New England. Whilst these measures struck a most serious blow at the trade of the northern colonies, the preamble to the Revenue Act, in which they were embodied, proclaimed that the reason for it was that "it is just and necessary that a revenue be raised in your Majesty's dominions in

[1] Sabine, L., *American Loyalists*, I, 12.

[2] Kimball, II, 320.

America for defraying the expenses of defending, protecting, and securing the same".[1]

It was not expected that these new measures would produce the revenue of £100,000 which Grenville thought a fair contribution from the dependencies. When, therefore, he introduced them into Parliament, he proposed and carried a resolution in favour of imposing by Act of Parliament "certain stamp duties in the colonies" for further defraying the expense of protecting them (March 1764). The imposition of this tax, however, he delayed for a year, in order to give the colonies an opportunity of proposing any alternative method they might prefer of raising the sum required. To their agents in London he explained that he was by no means wedded to the stamp tax, though he thought it a convenient method, because it was easy to collect, it fell exclusively on property, and would be spread equally over America and the West Indies. However, any other method of raising the required revenue which they might propose would satisfy him. But some contribution from the colonies must be forthcoming towards the additional expenses incurred on their account. For the annual cost of the civil and military establishment in America alone had risen from £70,000 after the Peace of Aix-la-Chapelle to £350,000.

With the exception of the representatives of Rhode Island, the agents did not at first offer any objection. But when, a year later, they had become aware of the opposition it was rousing in America, they made attempts, in conjunction with the London merchants, to dissuade Grenville from proceeding with his scheme. He then again invited them to propose an alternative method of raising money, since none as yet had been suggested. Franklin, as agent for Pennsylvania, then urged that the demand for money should be made in the old constitutional way in the form of a requisition by the governor to the several Assemblies. But that method had certainly proved ineffective in the past, and Grenville put his finger on the weak spot when he asked whether they could agree on the proportions each colony should raise. They were obliged to confess that they could not. Connecticut, having no direct interest in the fur and slave trade, thought that a tax on these might serve the purpose. The agent for this colony, Jared Ingersoll, bore witness to the kindly disposition and open mind displayed by Grenville in his discussions with them. "He gave us", he reported, "a full hearing."[2] In order to reconcile the Americans to imperial taxation, the admission of colonial representatives into Parliament had been suggested. Grenville declared himself ready to support such a scheme if there was any serious demand for it.[3]

The details of the stamp tax had been the subject of long and

[1] 4 Geo. III, cap. 15.
[2] Gipson, L. H., *Jared Ingersoll*, p. 128.
[3] Knox, *Extra-Official Papers*, II, 24–33; Hutchinson, T., *Hist. Mass. Bay*, III, 112.

careful preparation. A similar tax was already in operation in England, and the advice of the British Stamp Commissioners was sought in the autumn of 1763. Henry McCulloh, a former American official and the author of a previous proposal for such a measure, was consulted, but Thomas Whateley, of the Treasury, was mainly responsible for the scheme as finally adopted. He had been in constant communication with the colonial agents and accepted several modifications suggested by Franklin and Ingersoll. The revenue arising from the bill as finally drafted was estimated at from £60,000 to £100,000. Perhaps one-half of this amount would be paid by the West Indian colonies. There was little opposition to the bill when Grenville introduced it into the House of Commons (February 1765). Ingersoll reported that "the point of the authority of Parliament to impose such tax...was fully and universally yielded". One outburst of eloquent protest came from Colonel Barré. He spoke of the colonists as the "Sons of Liberty", and in answer to the argument that they had been planted and nurtured by the mother country, exclaimed, "Children planted by your care? No! Your oppression planted them in America....They nourished by your indulgence? They grew by your neglect!" The bill passed the House of Commons by 205 to 49 votes. Many of the latter were cast by representatives of the West Indian interest. "I never", said Burke, "heard a more languid debate."[1] "There has been nothing of note in Parliament", wrote that close observer Horace Walpole, "but one slight day on the American taxes."[2]

The Stamp Act received the royal assent on 22 March 1765. It was to come into operation on 1 November. At the same time some small relaxation was made in the restrictions upon trade, and a bounty was granted upon timber imported into England from the colonies, which were also permitted to export it freely to Ireland, Madeira, the Azores and any part of Europe south of Cape Finisterre. A measure was also passed—"the Mutiny Act"—obliging the colonists to provide British troops stationed amongst them with quarters, and also with fire, candles, beds, vinegar and salt.

(II) THE CONSTITUTIONAL STRUGGLE WITH THE AMERICAN COLONIES, 1765–1776

By the middle of the eighteenth century the American colonies had reached a stage of development when even loyal members of such communities must become aware of a dual patriotism. The Americans were fast developing into a distinct race. The emigrant who had fled from political and religious persecution or economic misery, and had

[1] Burke, Edmund, *Speech on American Taxation*, 19 April 1774.
[2] Walpole, H., *Letters* (ed. Toynbee), VI, 187.

helped to make a new and prosperous country out of a wilderness, could not remain precisely of the same type either in mental outlook or even in physical qualities as those who stayed in Europe. The long, lean frontiersman, who, axe and gun in hand, was clearing and settling the western lands without perhaps ever seeing a British ship or a British soldier; the New Englander, eager, forceful and self-sufficient, with a mind well educated to grasp an essential principle and with the moral training and tradition to cling tenaciously to it, had developed recognisable individualities of physique as well as definite mental characteristics, born of climate and environment. The Americans had begun to be themselves and to think for themselves. They had many officers who had been trained in the colonial wars; many merchants whose only wish was to push an untrammelled trade; many backwoodsmen and pioneers who drew their learning from the freedom of the open spaces; many lawyers and politicians who were looking hungrily for colonial careers, "ready", as Burke put it, "to snuff the approach of tyranny in every tainted breeze". Like the Germans after 1866, only the shock of war was needed to galvanise them into a separate and united people. The majority were conscious of a profound double loyalty to America and Great Britain.[1] Released from the menace of the French, they looked forward to becoming the centre of an Empire in which they should advance on equal terms with the branch of their race at home. They had become so rich and populous—they numbered now one and a half million freemen—that they believed themselves as necessary to Great Britain as Great Britain was to them. They clung, above all, to the principles which they regarded as common to themselves and the race from which they had mainly sprung, the principles of liberty and self-government. But though the native-born and loyal Americans were largely in the ascendant, there were others who had emigrated with a burning sense of grievance against Europe in general and Great Britain in particular. Nor was the idea of separation and independence unfamiliar. The Swedish traveller Kalm, for instance, described in 1748 the effects of the commercial oppression from which the colonists were suffering: "I have been told not only by native Americans, but by English emigrants publicly, that within thirty or fifty years the English colonies in North America may constitute a separate State entirely independent of England".[2] And it has been seen[3] that during the first half of the eighteenth century an obstinate effort had been made to acquire complete control of the legislative and executive functions of government.

But though there was considerable jealousy of British rule, and, especially at Boston, a determination to reduce it to a mere fiction, there was no general conscious desire for separation. Even the most

[1] Becker, Carl, *The Spirit of '76.*

[2] Kalm, Pehr, *Travels into N. America*, I, 265.

[3] See chapter XIV.

radical Bostonians had not yet formulated any scheme for obtaining it. In their addresses the Assemblies during the years of the coming crisis never ceased to deny any such wish; even after acts of rebellion had been committed, honest and moderate men like George Washington still disclaimed it. Yet it is perfectly plain that they would not be satisfied with anything short of the virtual independence for which they had so long been contending, and the liberty to work their own lands, dispose of their own produce and conduct their own affairs for and by themselves. They would, if they could, be true to their twofold loyalty. But the majority would not long continue to accept subservience to the British Parliament, though they wished to remain a part of the Empire and to preserve their allegiance to the Crown. With at least a large minority, however, that allegiance was paramount. But in the background were extremists who had no such loyalty and no such desire. And there were plenty of French agents in their midst, all very anxious to point out their true interests and to paint the motives of the British Government in the blackest colours. Already, of the several ties by which States are usually held together —community of race, of religion, of culture and political institutions, and community of interest—the first and last were considerably weakened and the second was growing daily of less importance. Reaction from the excitement and excesses of the "Great Awakening" had loosened the hold of religion on the colonists. At the same time the activity of the Church of England had increased the dread of ecclesiasticism. The fear lest taxation should be used for the establishment of an American episcopacy was a lively one and not without some justification.[1]

In New England a violent controversy had arisen over the activities of the Society for the Propagation of the Gospel, which was charged with promoting Episcopalianism, and in so doing was regarded as pursuing the policy of the State. Political tension, too, had been created by the action of the Custom House officers, who, in order to suppress the smuggling trade with the enemy, had applied in 1761 to the Supreme Court of Massachusetts for writs of assistance. These were general writs authorising the search of any house where smuggled goods were suspected to be. They were perfectly legal, but open to the same objection as the general warrants which presently excited so much controversy in England. Their issue was opposed without success by the Boston merchants. Speaking on their behalf, James Otis, a youthful lawyer and son of a rich merchant, delivered a violent attack upon the whole commercial system. Parliament, he declared, had no authority whatever over the colonies. Acts extending the writs to America, as well as the Acts of Trade and Navigation themselves, were therefore null and void there. These views were considerably in advance of his time and he subsequently

[1] Cf. Chamberlain, Mellen, *John Adams*, pp. 17–45.

modified them. But they created a tremendous impression, and were described by John Adams as the first step on the road to revolution.[1]

In Virginia, also, a recent episode had brought odium upon Church and State. Resentment against the exercise of the royal prerogative had been stirred by the exciting rhetoric of a great orator, who having failed in business had taken to the law. Patrick Henry, destined to be the force which drove Virginia into rebellion, now first revealed his powers and his detestation of British rule. He had not a good case. The stipends of the clergy had hitherto been paid in fixed quantities of tobacco. In 1755, when tobacco was scarce and the price therefore high, the Assembly enacted that they should be paid in money. When the price was low, they had received no compensation. The act was very justly annulled. But the tithe-payers ignored the royal veto. The clergy brought actions to recover the sums out of which they had been defrauded. They were defeated by the eloquence of Henry, who denied the validity of the veto and told the juries that the action of the British Government was an instance of tyranny which dissolved the political compact.

Clearly the time was at hand when the prophecies of Turgot and Vergennes might be realised. "Colonies", the former had declared, "are like fruits which remain on the tree only till they are ripe. America, as soon as she can take care of herself, will do as Carthage did." Vergennes, after the Peace of Paris, foretold that Great Britain would call upon the colonies to share the burden she had incurred on their behalf, and that they, no longer needing her protection, would answer by declaring their independence.[2] In these circumstances it was the business of good statesmanship to see to it that the calls of the two loyalties of which we have spoken did not clash, and that the bonds of the old home and the new home across the seas should not be subjected to the strain of a crisis, in which economical self-interest was joined to the defence of a vital constitutional principle.

It is obvious enough now that the time had come for a relaxation of trade restrictions and a withdrawal of political interference, or for giving to the colonies a share in the regulation of the common concerns of the Empire as many people, including practical administrators like Governor Pownall and political philosophers like Adam Smith, thought possible. The Americans had reached a stage of growth which involved a change of relationship. In the light of experience which was not theirs, it is easy to see that it was imperative that statesmen should find a new formula for their new age, and provide an escape from tutelage without forcing the adolescent to leave home. Unfortunately the idea of an empire held together by a federal union of States and united by freedom was wholly strange to the imperial nations of the eighteenth century. Devolution of

[1] Tudor, William, *Life of James Otis*, chaps. v–vii.
[2] Bancroft, G., *Hist. U.S.* I, 525.

sovereignty was almost inconceivable to them. Dr Johnson's dictum that "in sovereignty there are no gradations" was deemed indisputable. Logically and historically perhaps it was. For the modern compromise on the point—the conception of a gradual development of self-governing to practically independent sovereign States within an empire—had not been formulated, and possibly but for the lesson taught by the revolt of the American colonies might never have been reached. Thomas Pownall, indeed, an ex-colonial governor of large experience, had glimpses of the modern imperial ideal when he urged the conception of Great Britain, "not as a Kingdom of this Isle only" with colonial appendages, but "as a grand marine dominion... united into one Empire";[1] and Adam Smith in the *Wealth of Nations* projected an empire wherein the colonies would enjoy equality in status, burden and opportunity with the mother country. That ideal is implicit in all the demands of the colonies during the ensuing period. But they themselves did not realise it. As late as 1775 they were declaring that they would be content with a return to the *status quo* of 1763.[2] Shelburne at the last hoped for a federal union.

The alternative seemed to be the enforcement of subservience. Parliament was as jealous of its honour and as tenacious of its authority as the King. A long stride in political understanding had to be taken before the British people could look upon their countrymen in the colonies as one with themselves in rights as in race; as equal fellow-subjects of the Crown across the seas. As it was, in the words of Benjamin Franklin, "every man in England seems to consider himself as a piece of a sovereign over America; seems to jostle himself into the throne with the King, and talks of *our subjects in the Colonies*".

In spite of the domination of the mercantile theory and the policy of restricting the Plantations to the production of raw materials for British manufactures, the mother country cannot be regarded as treating them merely as milch cows kept for her profit. In return for the restraints imposed upon their trade and manufactures, Great Britain gave freely in exchange. She provided naval and military protection and military stores; she fought for their preservation and extension; she gave bounties to encourage the industries included under the heading of naval stores; she supplied money for religious establishments and in aid of Protestant emigrants; she presented the tobacco colonies with a monopoly in tobacco at the expense of the home farmer. She had incurred a great burden of debt as the result of her efforts largely on their behalf. Politically and commercially she gave her colonies greater freedom than did any other imperial nation. The elder Mirabeau wrote of the English as "the most enlightened of the people of Europe in their conduct in the New World". The fundamental error Great Britain now made was not so much

[1] Pownall, Thomas, *Administration of the Colonies*, pp. xv, 19.
[2] Franklin, *Works*, IV, 432; Washington, *Works*, II, 501.

that she did what was done by all other empires of the period, nor even that she asserted a sovereignty to which all British people alike were subject. It lay in the assertion of that sovereignty in a way which put the colonies in a state of inferiority, whilst their trade was controlled for the benefit of their fellow-subjects in England. The colonies were placed in the position "not so much of a State in federation as of a conquered State".[1] The very liberality of the institutions to which the mother country had accustomed them prepared them to rebel against that condition. Naturally, too, the wholesale evasion of commercial laws which ran counter to the feeling and interests of the country, had accustomed the people to the defiance of British authority.

The really critical part of the Revenue Act of 1764 lay in the steps taken for enforcing it and the observance of the Acts of Trade. The right of the mother country to control colonial trade was universally admitted. But restrictions of trade were bound to cause irritation, producing sooner or later political reactions. No political reaction of the first magnitude could take place so long as only the might of Great Britain stood between the colonists and absorption or expulsion by the aggressive power of France. By the irony of fate, the results of the prodigious effort made by Great Britain to remove that menace led directly to the measures which called into active being the latent demand of the American colonies for practical independence, and drove them first into resistance and then into unity.

For as yet the spirit of colonial separatism reigned supreme. Franklin himself emphasised their mutual jealousy and their resistance to the idea of a union even for their common defence against the French and Indians. He ridiculed, therefore, the idea of their uniting against their own nation, which "they all love much more than they love one another".[2] "Nothing", wrote the traveller Burnaby, "can exceed the jealousy and emulation which they possess in regard to each other."[3] Both he and Otis expressed their convictions that, if left to themselves, civil war would rage from one end of the continent to the other.

We have seen that the Government's policy embraced three measures: the strict enforcement of the trade laws, and, in the absence of quotas of men and money raised by the colonies for their own protection, the establishment of British troops in America, and the raising of a revenue there by an imperial tax to contribute towards their support. So long, however, as the Acts of Trade were enforced, the Americans could reasonably maintain that their contribution to imperial defence was to be found in the advantage derived by Great Britain from control of the colonial trade. There the matter might well have been left.

Unfortunately, the idea of a standing army was naturally

[1] Seeley, J. R., *Expansion of England*, chap. iv. [2] Franklin, *Works*, IV, 41.
[3] Burnaby, A., *Travels in N. America*; Pinkerton, *Voyages*, XIII, 752.

repugnant to the colonists, not only because they retained the traditional English objection to anything of the sort, but also because they feared, probably with reason, that it might be used for enforcing closer British control over their affairs. Unfortunately, too, the tax imposed, although it was intended, not to produce a revenue for Great Britain, but solely to be a contribution towards necessary colonial objects, gave grounds for raising the great constitutional principle of "no taxation without representation", a principle so dear to the hearts of Englishmen that even Lord Camden, in a moment of aberration, described it as a "law of nature".[1] It provided the opponents of British rule and all who were feeling the pinch of that baleful system of commercial restrictions, which aimed at securing a monopoly of manufactures and of colonial trade to the mother country, with an opportunity of joining issue on the ideal ground of a battle for freedom against oppression. The ground was the same as that upon which the struggle against the Stuarts had been fought—the struggle in which the American colonies had been cradled. "What we did", wrote Jefferson on a subsequent occasion, "was with the help of Rushworth, whom we rummaged over for the Revolutionary precedents of those days."[2] The burden of the stamp tax was grossly exaggerated in America. Actually the amount expected to be raised was very small, and it was partly offset by the concessions mentioned above. But Hampden was imprisoned for refusing to pay a 20*s.* tax. If the stamp tax was an insignificant imposition, that was a good reason for not imposing it; it was not a reason for submitting to it.

There was nothing new in the idea of taxing the colonies for their own defence and the support of their civil government. It had been proposed, for instance, by George Vaughan, a native of New Hampshire and agent for that province, as early as 1715.[3] In 1717 and 1722 Archibald Cumings, customs officer at Boston, had submitted a plan which included a stamp tax,[4] and in 1728 Sir William Keith, ex-Lieutenant-Governor of Pennsylvania, had made a similar suggestion.[5] What was new, was its adoption. Walpole, in 1739, had dismissed such a project with the observation that it had always been the object of his administration to encourage the commercial prosperity of the colonies, and that the greater their prosperity, the greater would be the demand for English manufactures.[6] He showed a wisdom in advance of his generation. Indeed, it is possible that if the *Wealth of Nations* had appeared thirty years before it was actually published—in 1746 instead of in 1776—the argument of Adam Smith might have borne fruit in time. The argument, that is, that Great Britain derived nothing but loss from the monopoly of trade, to maintain which was

[1] *Parl. Hist.* XVI, 178.
[2] Jefferson, T., *Memoirs*, I, 6.
[3] *Cal. St. Pap. Col.* 1715, no. 389 (i).
[4] *Cal. St. Pap. Col.* 1717, no. 486.
[5] *Short Discourse on the present state of the Colonies.*
[6] *Annual Register*, 1765, p. 25.

the principal object of the dominion she exercised over her colonies. But the fruit of that profound argument was long in ripening. Its acceptance was rendered difficult by the attitude of all the other nations who monopolised their colonial trade, and by the evident success of the Trade and Navigation Acts in building up the maritime power both of Great Britain and her colonies, and in crippling her commercial rivals, France and Holland. On the other hand, Smith agreed with Grenville that each part of the British Empire ought to support its own civil and military establishments and shoulder its share of the burden of imperial defence.

Still more unfortunately, the proposal for the stamp tax followed upon the reimposition of the Sugar Act and it was accompanied by measures for stopping the wholesale smuggling by which the Acts of Trade and Navigation had been evaded. This involved the cessation of the illicit trade with the foreign West Indies and the Spanish colonies of America. But that trade, besides providing a market for their superfluous lumber and provisions, was the main source from which the Americans had obtained the ready money needed for payments to England in order to make good the adverse balance of trade normal with young colonies, which are necessarily large importers, and in their case augmented by those very Acts of Trade. Stimulated by long-term credits and inflated issues of paper currency, there had recently been an orgy of importation, so that British merchants were owed some five millions of pounds by 1775. This indebtedness was mentioned by Jonathan Boucher as an incentive to rebellion.[1] At the same time it was enacted that the money raised by the duties in America should be paid in hard cash into the British Exchequer.[2] By another Act[3] the issue of paper money was prohibited. The effect of all these measures, taken together, was to deal a severe blow to American trade, and to create a greater demand for ready money whilst drying up the sources from which it could be obtained. Combined with the sugar tax, they were sufficient in themselves to create grave discontent and to raise in the minds of many the question "By what constitutional right can the British Parliament so restrain the American people?" The imposition of the stamp tax and the declaration in the preamble of the Revenue Act that it was "just and necessary to raise a revenue in His Majesty's Dominions in America for defraying the expenses of defending, protecting, and securing the same", presented them with a constitutional grievance which could be used as a stalking horse for opposition to all those irksome measures and British rule itself. For it was not taxation without representation which stirred the national conscience to the defence of smuggling, but the suppression of smuggling which

[1] Boucher, Jonathan, *Views of the causes and consequences of the American Revolution* (1797); Van Tyne, C. H., *England and America*, p. 55; cf. Chalmers, G., *Hist. of Colonial Currency*, pp. 18, 416.

[2] 4 Geo. III, cap. 34.

[3] 5 Geo. III, cap. 12.

reminded it of the iniquity of taxation without representation. Neither the principle nor the practice was new. The charter of Pennsylvania expressly reserved to Parliament the right of taxing that province. By the Act of 25 Car. II, cap. 7, Parliament had taxed the colonies for the purpose of revenue without granting them representation and without arousing protest, and that statute—*for the encouragement of the Greenland trade*—had been continually renewed.[1]

The delay granted by Grenville before passing the Stamp Act was kindly meant, but very foolish. It merely gave the colonists time to experience the results of the anti-smuggling measures and to prepare their resistance on constitutional grounds. Echoes of Colonel Barré's rhetoric floated across the Atlantic. The right of the Imperial Government to regulate trade and navigation was, as has been said, universally conceded. The duties levied at the Custom House were generally regarded as the necessary corollary of such regulation. They might be disagreeable; they had hitherto been largely evaded; even now, when they were to be rigidly enforced, there was no question of challenging their validity. But a distinction was observed in the Stamp Act. Here was a tax to be imposed on the planter or merchant without the consent of his representative, and also a tax to be levied in the interior as well as at the seaports.

The provision by which offences against the Stamp Act were to be cognisable by the Admiralty Courts roused further resentment. The colonies, it was proclaimed, were to be deprived of the right of trial by jury. The Virginians wrote to their agent in London that no British subject could be made subservient to laws without his consent or that of his representatives, and that "no man or body of men could ... have a right to do anything contrary to reason or justice, or that can lead to the destruction of the Constitution".[2] Ignoring the request of the "Gentle Shepherd", that they should propose alternative methods of raising the required revenue, the colonists demanded that taxes should only be imposed by the votes of their own Assemblies. Petitions to that effect from the Assemblies of six colonies were forwarded to the Council of Trade, and were denounced as exhibiting "the most indecent disrespect to the Legislature of Great Britain".[3] The Commons refused to allow them to be presented, and the Stamp Act received the royal assent on 22 March 1765.

There was not the slightest expectation in England of the storm of opposition which was about to break forth in the colonies, where the long delay granted by Grenville had been utilised by agitators to organise resistance. An ominous incident occurred at Philadelphia. Before the ships bringing the news of the passing of the Act arrived, it was found that the guns of the battery had been spiked (14 April). At Boston the news was received with demonstrations of mourning.

[1] 2 and 7 Wm. and Mary; 1 and 9 Anne; 3 Geo. I, cap. 7.
[2] *Va. Mag. Hist.* XII, 13.
[3] *Parl. Hist.* XVI, 121.

Flags were flown at the half mast; muffled peals were rung from the church towers, and copies of the Act, with a death's head printed where the stamps should be, were hawked about the streets to the cry of "England's Folly and America's Ruin!"

In the constitutional opposition to the "black Act", as it was called, Virginia took the lead. The Address of the Massachusetts Assembly had taken the line that whatever the right of Parliament to impose the tax, its imposition was inexpedient. But now, in Virginia, resolutions submitted by Henry were passed (29 May), which asserted that the colonists possessed the rights of Englishmen; that taxation by themselves or their chosen representatives was the distinguishing characteristic of British freedom; and that the Virginians retained the right, constantly recognised by the British Government, to tax themselves through their own Assembly. Any invasion of that right was an invasion of British and American liberty. The Pennsylvanian Assembly went further. It declared that its government being "founded on the natural right of mankind and the noble principle of English liberty is and ought to be perfectly free". The "Virginia resolves" sounded throughout the land "like an alarm bell to the disaffected".[1] Rioting broke out all over the country. At Boston, the effigy of the stamp distributor was hung upon a tree; his house, the Stamp Office and the records of the Admiralty Court were destroyed. The house of Lieutenant-Governor Hutchinson was sacked and a bonfire made of the records he had collected for his history of the province. In New York the effigy of Lieutenant-Governor Colden was carried round the city in his coach and then burnt. Mob leaders, such as John Lamb and Isaac Sears, formed radical associations, chiefly composed of mechanics, and, adopting Barré's phrase, styled themselves "Sons of Liberty". Merchants bound themselves to order no goods from England. Societies were formed for encouraging domestic manufactures. Patriotic citizens wore homespun, and abstinence from lamb was enjoined, in order to provide the necessary wool. By the end of the year trade with England had practically ceased. The stamp distributors, upon Grenville's suggestion, had been chosen by the American agents from the colonists themselves. But in Philadelphia, as in Boston, the stamp master was compelled to resign. Their example was everywhere followed. The stamps, when they arrived in September, were seized and destroyed. In North Carolina the inhabitants compelled the commander of H.M.S. *Viper* to surrender two vessels which he had seized for sailing without stamped clearances. From Carolina to Halifax the distribution of the stamps was practically suspended. All legal business was brought to a standstill. Such was the weakness of the executive that the governors, left without military or other support, were unable to check rioting or enforce the law. With surprising unanimity—for the

[1] Governor Bernard to Lord Halifax, 15 Aug. 1765.

clash between the two loyalties was not yet apparent to many—the people combined to render the Stamp Act a dead letter. Business was then resumed by ignoring it.

The Massachusetts General Court suggested that a Congress of Delegates should meet at New York to condemn the Stamp Act.[1] Nine colonies sent representatives (7 October). A petition to the King and a memorial to Parliament were drawn up, wherein, whilst acknowledging "all due subordination" to Parliament, protest was entered against the extension of the jurisdiction of the Admiralty Court and the sole right of taxing themselves was claimed by the colonists. Their main contention was that Parliament could not tax them internally unless they were represented in that body, and representation was an impossibility. The idea of representation had quickly been dropped, not because it was impossible, but from fear of its being accepted, as Governor Bernard suggested, and that the colonial representatives would then be outvoted. The colonists claimed that they owed the same allegiance and had the same inherent rights as Englishmen born within the realm. It was, of course, possible to reply that in that case they must be bound by the Acts of the British Parliament, and could not claim exemption from any particular one of the obligations under which all British subjects lay.[2] The Council of Trade denounced the Stamp Act Congress as forming a precedent of "dangerous tendency".[3] It was indeed, like the associations of the "Sons of Liberty", a first step towards united action by colonies which hitherto had been at least as jealous of each other as of the mother country.

The American Revolution, like most others, was largely the work of an influential minority. Planters, merchants and lawyers led the masses into the movement. Subsequently it was mainly carried out by the middle and lower classes. But the constitutional and legal reasoning on which the Revolution was based, and the application of the doctrines of the "rights of man", were necessarily the work of highly educated men.[4] The political theory which inspired such leaders as Otis, Henry, John and Samuel Adams, James Warren, John Dickinson and Thomas Jefferson, was derived mainly from the writings of John Locke, reinforced by those of Harrington, Grotius, Hume, Selden, Puffendorf, Montesquieu, Beccaria, Burlamaqui and Rousseau. Cradled in the Protestant and democratic tradition of the Reformation, they readily accepted Locke's argument that "men being by nature all free, equal and independent...instituted a government by consent to protect them in their rights to life, liberty, and property"; and drew from it the practical corollary that the

[1] *Journal of House of Representatives, Massachusetts*, 1765.

[2] Cf. Knox, William, *The claim of the Colonies, etc. examined* (1765); Hutchinson, Thomas, *Diary and Letters*, I, 21.

[3] *Parl. Hist.* XVI, 122.

[4] Wirt, Wm., *Life of Patrick Henry*; Fisher, S. G., *The struggle for American Independence*, I, 243.

colonies were equally entitled with Great Britain to govern themselves. They readily accepted his conclusion that if such government should act contrary to the general good, the compact is broken and the government dissolved. Burlamaqui's argument that "natural society is a state of [*political*] equality and liberty" fired the imagination of many a reader in Massachusetts and Virginia. The doctrines of natural law absorbed from these books filtered through the minds of men like Alexander Hamilton and Dickinson, and, translated by Jefferson, were to be epitomised in the Declaration of Independence. But political theorists would have had no influential following had not a definite issue forced into opposition such men as George Washington, who felt that their property and their personal liberty as free-born citizens were at stake, and, having once taken their stand, adhered to it with all the stubborn determination of their race.

In this first stage, the position taken by the Assemblies was radically illogical. Whilst admitting the right of the British Parliament to an unrestricted power of legislation over the colonies, and whilst admitting that Parliament could tax them externally, they claimed that internal taxation was their own exclusive province. But there would appear to be no essential difference between the right to legislate and the right to impose taxes by legislation, or between internal and external taxation. If Parliament had a right to impose a customs duty and to regulate trade, it had a right to raise an inland revenue. Moreover, the admission of a right to tax externally destroyed the argument of "No taxation without representation". "What a pother", said an Irish member of Parliament, "whether money is to be taken out of their coat pocket or their waistcoat pocket." But if the position of the colonists was illogical, practically it offered scope for a compromise which might have been accepted as a preparatory step for further relaxation of British control and the Acts of Trade. That, however, would have involved a reversal of the whole considered policy of the British Government. No proposal, moreover, for relaxing the trade laws would have found any support among the mercantile and moneyed classes who were the chief opponents of the policy of taxing the colonies.

The argument could not rest there. The distinction between internal and external taxation was soon to be abandoned. The denial of the one right had involved the denial of the other. Hopkins was already arguing that the people of Britain had no sovereign authority over their fellow-subjects in America, and that therefore their representatives could not derive from them any power to tax them.[1] Hitherto, it had been admitted that Parliament could enact a law by which the life of a colonist was forfeit for a crime; that it could take away his property by taxes levied on goods coming into his seaports; that by the Act of 1732 it could make property in the colonies liable

[1] Hopkins, Stephen, *Rights of Colonies examined* (1765).

for debts to British merchants; that it could establish a General Post Office in the colonies, fixing the rates of postage. Some of these Acts were admittedly beneficial. But what was the essential distinction between them and the Stamp Act, and what was the authority for either? Once that question had been raised in practical form, theory advanced, logically and inevitably, to a more momentous conclusion. Without representation in Parliament, the new argument ran, Parliament had no right to tax the colonies in any form, or indeed to govern them at all.

Before the day on which the Stamp Act was to come into force (1 November), Grenville had been dismissed. The fall of his ministry had no connection with the Act by which his name is remembered. Pitt, indeed, when approached by the King, named the question of taxing America as one of the points of his policy. But he refused to take office. George III himself seems to have been one of the first to grasp the magnitude of the principle at stake. "Where this spirit will end", he wrote on 5 December, "is not to be said. It is undoubtedly the most serious matter that ever came before Parliament."[1] The young King was in no way responsible for Grenville's policy, nor did he approve of it. "Mr Grenville's conduct", he wrote in 1767, "is as abundant in absurditys as in the affair of the Stamp Act; for he first deprived the Americans by restraining their trade, from the means of acquiring wealth, and taxed them...."[2] But once the question had been raised, he was determined to maintain the principle of the right of the mother country to tax the colonies. In the present juncture, however, according to his own account, he preferred modification of the Stamp Act to repeal, as the wisest and most efficacious method of "restoring order and obedience in the American colonys... because any part remaining sufficiently ascertained the right of the mother country to tax its colonys and next that it would show a desire to redress any just grievances". But since "the unhappy factions that divide this country would not permit this equitable plan to be followed", he preferred repeal to enforcement, for enforcement would only tend to "widen the breach between this country and America". For these reasons, whilst declaring to Lord Rockingham that "modification was his own constant opinion", he authorised him to state that he preferred repeal to enforcement. On the fundamental principle he never wavered—the principle approved by Parliament on 3 February 1766—that "the King's Majesty, by and with the advice and consent of Parliament, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonys...in all cases whatsoever".[3] All yielding on that point he held to be weakness and

[1] George III to General Conway, 5 Dec. 1765.
[2] *Corr. of Geo. III* (ed. Fortescue), I, 471.
[3] *Ibid.* I, nos. 246–8; *Grenville Papers*, III, 353.

Whiggery—a thing he detested—and consistently maintained that but for the vacillations and factiousness of parties, it would never have been allowed to be seriously challenged.

Grenville was succeeded by the Marquess of Rockingham, a man of good sense and integrity, and a sound Whig. The Rockingham Whigs drew their inspiration mainly from his secretary, Edmund Burke, who had made a diligent and sympathetic study of the colonies. In the new ministry, General Conway, who had been one of the few to oppose the Stamp Act, was one Secretary of State, the Duke of Grafton the other. The Duke of Newcastle took the Privy Seal. But the ministry was weakened by the abstention of Pitt, the distrust of the King, and the inclusion of such strong advocates of taxing the colonies as Charles Townshend, Lord Barrington, and Lord Northington.

The disturbances in America had caused surprise and annoyance in England, and considerable distress owing to the interruption of trade. Merchants and manufacturers began to petition Parliament to repeal the Acts of 1764 and 1765, representing that the colonists, who owed them two or three millions, were declaring themselves unable to pay owing to the new taxes and restrictions, which had so interrupted "the most fruitful branches of their commerce, that the former means of remittance were utterly taken from them".[1] Meantime the violence of the Americans made the task of the Government more difficult.[2] In January 1766 the American question was raised in the House of Commons. Led by Grenville and the Duke of Bedford, a powerful opposition argued vehemently against concession. The right of taxation, they contended, was an essential part of the sovereign power. If Parliament yielded to intimidation, its authority was gone, and only its authority could hold the Empire together. Law and logic, perhaps, were on their side. All the majesty of eloquence and statesmanship were on the other. Pitt answered Grenville in a series of magnificent speeches whose thunder reverberated across the Atlantic. Whilst asserting that the authority of the mother country was "sovereign and supreme in every circumstance of government and legislation whatsoever", he maintained that taxation was no part of the governing or legislative power. He upheld the distinction between internal and external taxation. The right of self-taxation was essential to freedom. Without it, the Americans would have been slaves. In an immortal passage he unfurled the flag of freedom and gave utterance to his life-long hatred of despotic power. "I rejoice", he cried, "that America has resisted. Three millions of people so dead to all feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest." He urged the absolute repeal of the Stamp Act, as having been founded on an

[1] Petition to House of Commons, 17 Jan. 1766.
[2] Walpole, H., *Memoirs of George III*, II, 221.

erroneous principle. "At the same time," he concluded, "let the sovereign authority of this country be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever—except that of taking their money out of their pockets without their consent."[1] Pitt was supported by Lord Camden, but by Camden alone of the legal authorities. Neither Lord Lyttleton, nor Lord Northington, nor Lord Mansfield would listen to the idea of concession, or to the suggestion that exercise of the legislative power might be inexpedient. The colonists, Mansfield urged, were subjects of Great Britain, and the British Parliament, representing the whole British Empire, had authority to bind every subject, whether within or without the realm.[2] The question was debated with zeal on both sides. The examination of Franklin, Agent for Pennsylvania and Massachusetts, at the bar of the House, indicates a genuine desire to understand the colonial point of view. Franklin was a somewhat disingenuous witness, but he made clear the distinction that was drawn by the colonies between internal and external taxation, and that they would never rescind their resolutions against the right of Great Britain to tax them, "unless compelled by force of arms".[3]

Pitt's advocacy enabled the Government to repeal the Stamp Act (22 February). This was done on the grounds of expediency and the damage inflicted on British trade. The Revenue Act was modified by converting the import duty on textiles into an export duty from England; reducing import duties on coffee and pimento from British Plantations and on foreign cambrics and lawns, and the 3*d.* per gallon on foreign molasses to 1*d.* on British and foreign molasses alike. The West Indies were compensated by the creation of free ports at Dominica and Jamaica. The sugar duty then ceased to be a real commercial grievance. The penny tax raised £17,000 a year, for it had made smuggling not worth while. Grenville's threepence had yielded only £2000. This readjustment, however, altered the whole character of the impost. It ceased to be a regulation of trade and a protective duty for the Sugar Colonies, and became an external tax levied for revenue purposes. It was passed by Rockingham Whigs and the followers of Pitt; by a ministry of which Charles Townshend was a member. One may see in it the beginning of a new chapter in colonial policy,[4] and the forerunner of Townshend's disastrous budget in the following year.

These measures were accompanied by a Declaratory Act "for securing the dependency of the colonies". It went far beyond what Pitt had suggested, and was strenuously opposed by him. But in view

[1] *Chatham Correspondence*, II, 363 seqq.
[2] *Parl. Hist.* XVI, 172.
[3] Franklin, *Works*, IV, 176.
[4] Cf. Channing, E., *History of the U.S.* III, 78.

of the strength of the Opposition and the boldness of the American challenge to parliamentary authority, the repeal of the Stamp Act could not have been carried without it.[1] The Declaratory Act did, indeed, merely repeat what Parliament had affirmed on 3 February 1766.[2] It asserted that the colonies were "subordinate and dependent upon the Imperial Crown and Parliament", and that Parliament had full power and authority to make laws binding them in all cases whatsoever. It annulled all recent proceedings which involved a denial of parliamentary supremacy. The constitutional right of taxing the colonies was thus asserted.[3] Yet the criticism of history must be that of Shelburne: "The British Government ought to have enforced the Stamp Act with its whole power, or to have acknowledged its error with ingenuousness and candour, which would have showed a frankness and condescension which must have been interpreted into true dignity; but unhappily the British Parliament did neither. It affirmed its own right of enacting, whilst it repealed the Act itself in visible compliance to the clamour of America, and thereby naturally suggested to the Provinces, that the timidity of the British Parliament kept pace with its ill dispositions towards them".[4]

The repeal of the Stamp Act was received in America with transports of joy and gratitude. Statues were erected of King George and Pitt. Moderate men were delighted at the triumph of their cause and at the removal of excuse for agitation and mob violence. They were ready to accept the resolutions of right, so long as no attempt was made to enforce them, regarding the Declaratory Act as a mere device for securing an honourable retreat from a position which had been rendered untenable.[5] Many, on the other hand, looked upon the Act with suspicion, as a prelude to a renewed attempt at taxation.[6] The demand that compensation should be paid to sufferers from the late riots was resented and resisted, notably by Massachusetts. When a Compensation Act was at length agreed to there, it included a clause indemnifying the rioters, and was on that account repealed.

Inevitably the prestige of a country which had failed to protect its officials in the execution of their duty and had repealed a law at the dictation of rioters suffered in the eyes of many. The abandonment of the Stamp Act was at once interpreted by Otis and other extremists as an abandonment of the trade laws. If no other occasion had been given for exciting that "irritable and umbrageous people", as Pitt described the Americans, the Whig policy of conciliation might indeed have succeeded for a while. But only permanently, if the enforcement of the Acts of Trade and Navigation had been abandoned

[1] Albemarle, *Life of Rockingham*, I, 305.
[2] *Corr. of Geo. III* (ed. Fortescue), I, 262.
[3] Todd, A., *Parliamentary Government in British Colonies*, p. 241.
[4] Fitzmaurice, *Life of Shelburne*, I, 316.
[5] Franklin, *Works*, IV, 176; Adams, J., *Works*, II, 203; Hutchinson, *Hist. Mass.* III, 147.
[6] Shelburne to Chatham, 6 Feb. 1767; Fitzmaurice, *Life of Shelburne*, I, 309.

together with the whole policy of closer control of the colonies. But the need for retaining the Acts of Trade, for remodelling and consolidating the Empire, and preventing the colonies from escaping from control was held as strongly by their Whig champions, Shelburne and Conway for instance, as by Tories.[1] Francis Bernard, Governor of Massachusetts Bay, was now continually urging it, and, as a first step towards settling the whole colonial system on a new uniform type, the resumption of all the charters. He had begun by opposing the Stamp Act and advocating freer trade; but his experience of the agitation in Boston and the weakness of the executive changed his attitude. He was convinced that there was a powerful party which intended to break away from Great Britain if it could. It soon found occasion for blowing up the dying embers of discontent. The Mutiny Act, extended to the colonies in 1765, was annually renewed. It was strenuously resisted in Massachusetts, and positively rejected by New York. It was denounced as an attempt to establish a precedent for a Tax Act, and as a step towards dragooning the colonies into the acceptance of the "new sovereignty".[2] For since it directed the Assemblies to enact, without debate, that certain articles should be provided, it implied the principle that Parliament could tax the colonies internally through the medium of their Assemblies, leaving to them only the choice of means.[3] New York, especially, felt aggrieved, because as the military headquarters of the two provinces it was disproportionately burdened. General Gage reported some dangerous rioting in July 1766. New York merchants presently petitioned for a relaxation of the Acts of Trade, and especially of the Sugar Act.

The hostile attitude of New York, deplored by Pitt himself, caused great irritation in England.[4] It played into the hands of the court party, who echoed the sentiments of the King in regarding the repeal of the Stamp Act as a humiliation,[5] and strengthened those who had never abandoned its principle. Nor could the idea of a standing army in America be shelved. The threatening aspect of foreign affairs, the direct menace of France under Choiseul, and the burden of taxation kept alive the temptation to insist upon a direct contribution from the colonies to imperial expenditure. Even Shelburne held "that it was highly reasonable that an American fund should be formed to support the exigencies of government". He thought that such a fund might be obtained from the quit-rents and grants of land in America.[6] If this scheme had come to fruition, the necessity for imperial taxation would have been avoided, and the American crisis would have ended, at least for the time.

[1] Fitzmaurice, *Life of Shelburne*, I, 304–7, 318.
[2] Dickinson, John, *Address to Philadelphia Meeting*, 1768.
[3] Fitzmaurice, I, 309, 316, 317.
[4] Chatham to Shelburne, *Corr.* III, 189.
[5] Burke, E., *Speech on American Taxation*, 1774.
[6] Fitzmaurice, I, 306.

On the fall of the Rockingham ministry, Pitt, taking the title of Earl of Chatham, joined the King in an attempt to govern without party. The "mosaic" Government, as Burke dubbed it, was formed, with Grafton as its nominal head and Camden as Lord Chancellor. Shelburne as Secretary of State for the Southern Department took charge of colonial affairs, whilst General Conway remained as Secretary of State for the Northern Department. All of these, with the exception of Conway, were Pittites, and Conway was a Rockinghamite, who had moved the rejection of the Stamp Act. A political prophet, scanning such a ministry, might well have scouted the idea that within a few months it would be imposing taxes on the colonies. If so, he would have forgotten Townshend. Townshend was Chancellor of the Exchequer. That brilliant but erratic genius had experience, industry, wit, ambition, and an unrivalled power of charming the House of Commons. He was soon to show that, like Grenville, he still clung to the policy matured under Halifax. The illness of Chatham gave him his opportunity.

In a debate on the army estimates, Grenville raised the question of making the colonists pay for the troops stationed in America (26 January 1767). Great Britain, he declared, must be relieved from the burden, which now amounted to £400,000 a year, almost the sum produced by a shilling in the pound land tax. Townshend in reply announced to a delighted House that he knew a mode by which a revenue could be drawn from America without offence, and he intended to do it. His colleagues listened in indignant silence as he pledged himself to a policy wholly at variance with their wishes. They did not resign, for the doctrine of Cabinet responsibility had not yet been matured; and no one, in Chatham's absence, had the authority to insist upon Townshend's dismissal. Shelburne wrote in alarm to Chatham, but Chatham, in the throes of suppressed gout, was incapable of attending to business. Townshend, therefore, had his way. On 19 February Grenville and Dowdeswell followed up the attack. Championing the cause of the heavily taxed "Country Party", and supported on this occasion by most of the Rockingham Whigs, they outvoted the Government proposal for a 4*s*. in the pound land tax, and secured its reduction by one shilling. Townshend was left to make good the resulting deficit of half a million in his estimates. On 15 April he opened his budget. He announced that the distinction drawn by the Americans between internal and external taxation was, in his opinion, "perfect nonsense". But since they admitted the right of Parliament to regulate their trade, so long as it raised no internal revenue, he would humour them. By laying an "external" or port duty upon glass, paper, painters' colours, and tea imported into the colonies, he proposed to raise a revenue of £40,000. Tea, coffee, and cocoa exported to the colonies were allowed a drawback of the duties paid on their importation into England. In the case of

tea this indulgence was granted for five years only. It amounted to 12*d.* a pound, and the colonists were to pay 3*d.* a pound on the tea they imported. This was a considerable concession. For it meant that tea which cost English people 6*s.* a pound could be bought in the colonies for 3*s.*[1] It was a Grecian gift, perhaps, but it is absurd to represent it as an extortion. The proceeds of these taxes were to be devoted to maintaining an American civil list, and the surplus, if any, was to be applied to the support of the army. Herein it challenged a vital principle, for which, rightly or wrongly, the colonial Assemblies had been fighting for generations. Colonial officials, governors, judges and the rest, would at length be withdrawn from their influence, and the executive strengthened accordingly.

Two other important Acts were passed at the same time. The New York Assembly was suspended from its legislative functions until it should fulfil the requirements of the Mutiny Act (15 June). After a long period of tension it submitted (1769), only to be denounced as traitor to the common cause for which Massachusetts and South Carolina stood firm in this particular. The third measure provided the irritant which led once more to rioting and violence. A Board of Commissioners of Customs was appointed for America, with head-quarters at Boston; revenue cutters were stationed at Philadelphia and other ports; and the whole system of the Customs service was reorganised and rendered thoroughly efficient. Writs of assistance were formally legalised.

> For forms of government let fools contest,
> Whate'er is best administered, is best.

The Acts of Trade and Navigation had been best administered by allowing them to become partly obsolete. Where the shoe pinched worst, smuggling had been permitted to ease it. Now Townshend, like Grenville, after presenting the agitators in press and pulpit with a political grievance, presented business men with a practical one, by the efficient enforcement of the trade laws.

If mere cleverness were the criterion of statesmanship, Townshend is entitled to admiration. The colonists were fairly caught in their own argument. The new taxes were external, and therefore admittedly constitutional. The prevention of smuggling could hardly be advanced as an infringement of the rights of man. Whilst the leaders considered their position, the new taxation was received without any of the riotous demonstrations which had been prepared for the stamp tax. The central and southern provinces, indeed, seemed inclined to accept the situation, and de Kalb, one of the French agents busily engaged in fomenting rebellion, came to the sad conclusion that, if the taxes were kept within these moderate limits, England would succeed in maintaining her authority.[2] For it was becoming plain whither resistance, if continued, must lead. Opposition to the new taxes could

[1] Hutchinson, *Hist. Mass.* III, 351.

[2] Bancroft, G., *Hist. U.S.* III, 116, 140.

only be maintained if parliamentary authority were denied in all matters whatsoever. The distinction between internal and external taxation must be dropped. Perceiving that a new argument was needed, the leaders shifted their ground to the rights of man. Laws of Nature, it was found, precluded all legislation in the colonies by Parliament. Though a shadowy allegiance to the Crown might be proclaimed, so long as protection from foreign enemies was required, and though the idea of separation was far from being entertained as yet by the great majority of Americans, clear-sighted men could not fail to see that this claim would necessarily involve, sooner or later, a declaration of independence.

The fiery zeal of Massachusetts led the way in resistance to the new Acts. The Assembly petitioned the King for relief from the new taxes (January 1768). Whilst expressing perfect loyalty and declaring that it had no desire for independency, it acknowledged the superintending authority of Parliament only in cases "that can consist with the fundamental rights of nature and the constitution". Too much attention is sometimes paid to addresses of this kind, which were skilfully drawn up in order to influence English opinion. They ought to be read in connection with the violent language and arguments of the agitators in the American press. What the New Englanders now meant was that they were willing to remain within the Empire, but would not tolerate any imperial interference with their affairs. In a circular letter addressed to the other Assemblies (11 February), calling upon them to join in petitioning against the Paint, paper, and glass Act, they explained that these duties infringed those "rights of nature and the constitution" because they took away their property without their consent.

The new position was clearly stated by John Dickinson, a Quaker lawyer of Philadelphia, in his popular *Letters from a Farmer*.[1] He denied that Parliament had any authority in the colonies at all, but admitted its right to regulate external trade by duties. Such duties, however, must not be intended to raise a revenue. For in that case they would constitute a tax, and Parliament had no power to tax them. The framers of the Tea Act had expressly declared that its purpose was to raise a revenue. It will be seen that this position went just far enough to exclude Townshend's duties, and to appeal to moderate "patriots" who did not wish to go any further. The argument was illogical in admitting the right of Parliament to impose duties on trade at all, if it had no power to tax. Dickinson's *Letters* also indicated a growing movement towards union. He declared that the American colonies formed one political body, of which each colony was a member. He concluded an address at Philadelphia (25 April 1768) with the phrase "Our strength depends on our union. United we conquer, divided we die". In the presence of a common

[1] *Pennsylvania Chronicle*, Dec. 1767, Feb. 1768.

danger, and of what they regarded as an attack upon their common rights and common interests, the colonies were indeed being driven towards union among themselves and separation from what was beginning to be regarded as a foreign and oppressive Power.

Associations were again formed for boycotting British goods, especially those upon which the new duties had been laid. Attempts to run cargoes of madeira led to conflicts between smugglers and customs officers. The Boston mob rescued from their hands the sloop *Liberty*, belonging to John Hancock, a wealthy merchant and smuggler, and one of the most ardent of the advanced "patriots". The pressing of a seaman by H.M.S. *Romney* caused another riot. The rioters were left unpunished. Customs officials were tarred and feathered, and a revenue cutter burned at Rhode Island. At the urgent request of Governor Bernard two regiments and seven men-of-war were sent to Boston to enable the Government to enforce the law. They were received with demonstrations of almost open rebellion. In those days there was no police. The only resource of authority in the presence of a turbulent mob, whether of weavers in London, or "Sons of Liberty" in Boston, was to call upon troops to disperse the rioters and protect the unpopular. Before the arrival of the regiments (1 October), a mass meeting, led by Otis and Samuel Adams, resolved that a "standing army" could not be kept in the province without its consent. A day of fasting was appointed; muskets were brought out. The inhabitants were invited to arm, on the transparent plea of an approaching war with France, and, if Adams could have had his way, they would have attacked the troops on landing.

Townshend died prematurely in September 1767. His brief ascendancy, and the American question which had been reopened in it, had a large share in determining the character of the succeeding ministry. Those members of the Rockingham administration who had remained with Chatham in 1766 earned a reputation for weakness by their failure to resist Townshend's impetuous ambition. After his death, Northington and Conway resigned, and Shelburne wished to do so, but as Chatham's representative in the Cabinet, he felt obliged to remain.[1] Their resignations came too late for their reputations. During the summer, when it was evident that, with Chatham still incapacitated, the mosaic Government must fall to pieces, the King had invited almost everybody but Grenville to form a ministry. The alternative of taking back that statesman, whom he loathed, almost compelled him to accept a return of the Rockingham party to power. For it seemed at one moment as if they might form a combination with the Bedford and Newcastle sections. But Bedford stood for coercing the colonies, Rockingham for reconciliation. On that rock negotiations split. The stars in their courses seemed to be fighting for a Townshend administration. His sudden death removed that

[1] Shelburne to Lady Chatham, 9 Oct. 1767.

danger. The coercive policy of the Bedfords, who now joined the Government and in a great measure controlled the party, led presently to the resignation of Shelburne, which was followed by that of Chatham.[1] Before this, Grafton (9 October 1767), as a concession to the Bedfords, had removed Shelburne from the control of colonial affairs which he had hitherto exercised as Secretary of State for the Southern Department, and instituted a third Secretaryship of State for the Colonies, to which Lord Hillsborough was appointed (January 1768). Shelburne still believed that it was unnecessary to send a single soldier to America, and that the colonies would "return to the Mother-country of themselves from affection and from interest, when once the form of their contribution should be agreed upon".[2] His retirement involved the laying aside of the scheme which he had elaborated for settling the several problems arising out of the newly acquired lands beyond the Alleghanies.

Hillsborough at once instructed Governor Bernard to call upon the Massachusetts Assembly to rescind its resolutions for the Circular Letter, and to dissolve it if it refused. The governors of the other provinces were directed to dissolve their Assemblies if they favoured the Massachusetts appeal. The several Assemblies were dissolved accordingly, but only to return with increased majorities against the governments. After the dissolution of the Massachusetts Assembly, the Selectmen of Boston summoned a convention of delegates from the province to meet at Faneuil Hall. Thus once more a movement was begun for revolutionary organisation. When the new Assembly met, it refused, with strict legal justification, to provide quarters for the troops in the town, arguing that there were barracks available on Castle Island. These were almost useless for the purpose in hand, since they were two or three miles outside the city. The Assembly then refused to do business whilst surrounded by an armed force, and when the governor adjourned it to Cambridge, passed resolutions protesting against his right to do so, and against the establishment of "a standing army" in a colony in time of peace. A violent agitation was begun against the soldiers whose presence was denounced by the Assembly as a foreign invasion. The melancholy example of Ireland was quoted as a warning against British tyranny, and found no doubt an echo in the heart of many an Irish emigrant.

When Parliament met in the autumn of 1768, both Houses passed resolutions condemning the disloyal spirit of Massachusetts, the non-importation agreements, and the Boston Convention. Led by the Duke of Bedford, they addressed the King, praying that the promoters of rebellion should be brought to London and tried under an Act of Henry VIII "for the trial of treasons committed outside the realm". Under this Act the murderers of Governor Parke had been brought

[1] Fitzmaurice, *Life of Shelburne*, I, 387, 393. [2] *Ibid.* I, 384.

home for trial in 1711.[1] This measure was never put into execution, but it provided an additional source of irritation to the Americans, who saw in it yet one more instance of British determination to restrict their liberties. It helped to inspire the "Resolves of 1769", by which Virginia once more led the way in constitutional opposition. A series of resolutions drawn up by George Mason was introduced into the House of Burgesses by Washington. The military distinction and high character of that wealthy planter had already secured him a position of great authority in the Old Dominion. The Virginia Resolves, which were presently circulated amongst the other Assemblies and adopted by them, claimed that the sole right of imposing taxes lay in the General Assembly with the assent of the King or his governor; that the colonists had the right to petition the Crown for redress of grievances, and that taking any person from the colony for trial beyond the seas was highly derogatory to the rights of British subjects.

The Cabinet was divided over its American policy. The tea tax had produced less than £300, and the effect of the non-importation agreements was beginning to be felt. Relations with France were very strained, and already Americans had talked of appealing to her.[2] The repeal of Townshend's Act as foolish and imprudent was increasingly urged. Grafton and Camden were in favour of repealing all the new taxes. But Lord North, the Bedford section, and the representatives of the King were in favour of retaining the tax upon tea for the purpose of "keeping up the right".[3] By a majority of one, the Cabinet decided to retain it (1 May). The governors were informed of the Cabinet's intention, and Hillsborough added an official assurance that it entertained no design to propose any further taxes on America for the purpose of raising a revenue. The idea of making the colonies pay for their own defence was thus at length abandoned.

Grafton, although in a minority in his own Cabinet, did not resign till January 1770. The suppression of Wilkes and the Middlesex election were agitating the country. The King's Speech had denounced the action of the Americans as unwarrantable. Chatham, who had returned to public life, vigorously attacked the measures which had driven the colonists into excesses, and pleaded for the removal of the cause which had occasioned the discontent of two millions of people. He was followed by Camden, Barré and Burke. But the King sent, not for Chatham as the nation expected, but for North. At last he had discovered and secured the minister for whom he had been seeking ever since the retirement of Bute, a minister who, with the aid of the court party, a divided Opposition, and his own skilful address, was both able and content to manage Parliament in

[1] *Cal. St. Pap. Col.* 1710–11, p. xlv, nos. 764–806; 1711–12, p. xl.
[2] E.g. *Boston Gazette*, 20 Sept. 1768; Holmes, A., *Annals*, II, 177.
[3] George III to Lord North, May 1769, and 11 Sept. 1774.

accordance with the will of the Crown. North was a Tory, shrewd and capable, a man of imperturbable temper, and an excellent debater. But his chief merit in the eyes of George III was his profound devotion to his sovereign. Unhappily he placed it above his duty to his country and his own convictions.

North soon seized the opportunity offered by a petition of London merchants to introduce the promised bill for repealing all Townshend's duties, except the 3*d.* on tea (15 March–12 April 1770). The retention of the tea duty he defended on the grounds that it differed from the others in that they were laid on English manufactures and had proved harmful to trade, whilst the duty on tea was in perfect harmony with commercial precedents. But in fact it had precisely the same intention and effect as the Declaratory Act. The tea tax was retained for the purpose of asserting the authority of Parliament in answer to the opposition of the Americans.[1] As a source of revenue it was ridiculous. Had revenue been aimed at, the substitution of the old tax of 12*d.* on tea when imported into England would, according to both Hutchinson and Franklin, have raised the sum required and provoked no opposition whatever. As it was, the repeal of the rest of Townshend's Act gave the agitators in America the stimulus of a triumph, and the retention of the tea tax left them with a grievance over a principle. The duties levied by the older laws on tobacco, wine, sugar and molasses were also retained, as well as the whole new and efficient machinery for enforcing them. But the Mutiny Act was quietly allowed to lapse, and no attempt was made to punish Massachusetts or South Carolina for refusing to furnish supplies for the troops. Permission was also granted for an issue of paper currency, which was urgently needed in a time of rising prices.

The conciliatory nature of these measures, combined with the promise in Hillsborough's circular, might well have saved the situation for the time being, had there been a general willingness to accept it as an earnest gesture of compromise and good-will. That it did not do so demonstrates that nothing short of some ample and generous measure for revising the whole status of the colonies, urged and granted in the grand manner of which the genius of Chatham was capable, would in the long run have satisfied the "patriots" of 1770.

The introduction of the repeal of the Revenue Act coincided with an ugly incident at Boston. The two regiments sent to support the Commissioners of Customs had been quartered within the town. They behaved with great self-restraint and good discipline, but their presence was resented as a symbol of British authority and an infringement of the new doctrine that no regular troops should be kept in a colony and no fortification built there without its consent. In January there had been a clash between insulting patriots and irritated soldiers in New York. In Boston the populace had grown more

[1] *Parl. Hist.* XVI, 854; *Mass. State Papers*, 161.

and more intractable, and rumours of an attack to be made by the troops were maliciously circulated. On 5 March a crowd gathered threateningly about a solitary sentinel in front of the Custom House and began to insult him. He called for aid, and the guard of six men and a corporal under Captain Preston came to his rescue. The crowd refused to disperse, but shouted abuse at the "lobsters". Snowballs were thrown. A soldier was knocked down. With or without orders, the guard fired and four men were killed. Hutchinson, who had succeeded Bernard as Governor of Massachusetts, agreed to withdraw the troops from Boston to Fort William. The soldiers concerned were tried for their lives. They were bravely defended by John Adams and acquitted, to the lasting honour of all concerned. But the "horrid massacre at Boston", as it was excitedly described, was seized upon by orators throughout the country, grossly exaggerated and assiduously used to influence the masses. Then and long afterwards it was represented as an unprovoked and murderous assault by brutal soldiers upon innocent and peaceful citizens, and as an example of the bloody tyranny typical of British rule.[1] Its anniversary was celebrated in the chief towns of America with signs of mourning for the "martyred" citizens and floods of revolutionary rhetoric. So great was the impression produced, that John Adams was to some extent justified in describing the incident as "laying the foundation of American Independence".

The conciliatory policy of the British Government had, however, temporarily deprived the extremists of any other rousing cry. It also widened the breach between them and the moderate patriots, and those who, faced by the conflicting calls of loyalty to the new country and the old, chose that which bound them to the King and Empire. Loyalists no longer saw any reason against the re-establishment of harmony. But since many held that, so long as the tea tax was maintained, the menace to their liberties was as dangerous as ever, the non-importation Associations decided to admit all British goods except tea and any article on which import duties might be imposed. Those who had been thriving on a smuggling trade in Dutch tea were particularly insistent upon this exception.

Moderate patriots, like Franklin, Cushing and Dickinson, were now content to wait until American independence should be peacefully brought about by "our natural increase in wealth and population".[2] But the extreme Radicals, of whom Samuel Adams was the determined and unrelenting leader, inspired by intense hatred alike of monarchy and Church, had no wish that the conciliatory policy of Great Britain should succeed. They saw in it merely a device to lull the people into acquiescence in dependency.[3] They believed that

[1] See e.g. Bancroft, G., *Hist. of U.S.*, and Kidder, F., *Evidence on the Boston Massacre.*
[2] *Mass. Hist. Soc. Coll.*, Ser. IV., IV, 360; Franklin, B., *Works*, VIII, 30, 78.
[3] *Boston Gazette*, 13 Sept. 1773.

England would never grant them absolute independence unless compelled. They believed that now was the time to fight for it, before the ardour of the people cooled, whilst their sense of grievance was still acute and bad trade still rendered them restless, and whilst England was still weak from the French war and threatened by foreign enemies. "It is now or never" wrote Joseph Hawley.

The irritant of the Acts of Trade helped them to keep alive the smouldering spirit of discontent. When, in 1771, the Governor of Massachusetts refused his consent to an act by which the salaries of the Commissioners of Customs were to be taxed, the Assembly remonstrated in these words: "We know of no Commissioner of H.M. Customs nor of any revenue H.M. has a right to establish in North America: we know and we feel a tribute levied and extorted from those who, if they have property, have a right to the absolute disposal of it...". Here was the denial absolute of the right of the Crown to levy duties on trade.

The Government, on the other hand, had never faltered in its conviction that somehow or other a civil list must be established, by which the salaries of governors and judges should be withdrawn from the control of the Assemblies. Since parliamentary legislation and taxation for that purpose had failed, it now resorted to the device of an executive order of the Crown, simply directing that such salaries should be paid by warrants drawn upon the revenue collected by the Commissioners of Customs. This was denounced as an outrageous usurpation by the Crown. The *Boston Gazette* declared (2 November 1772), that unless the liberties of the Colonists were immediately restored, they would form an independent Commonwealth. To stimulate opposition, Samuel Adams and Joseph Warren established a system of Committees of Correspondence in every town in Massachusetts, with a central committee at Boston.[1] This system was presently adopted by the other colonies, and soon became, in John Adams's phrase, a very efficient "political engine" for the dissemination of propaganda, the suppression of Loyalists, and the organisation of resistance at the opportune moment. It was not long before the enforcement of the Acts of Trade brought about another serious collision. Rhode Island, enjoying, as we have seen, practically independent government, had long been a centre of illicit trade, and its rum distilleries had flourished accordingly. Attempts to repress smuggling were now answered by the destruction of revenue cutters[2] and by serving writs on naval officers for seizures of smuggling vessels which the Newport Admiralty Court refused to condemn. On 9 June 1772, H.M.S. *Gaspée*, whilst in pursuit of a suspected ship, ran aground off Providence. A party of Rhode Islanders assembled publicly and during the night boarded the *Gaspée* and set her on fire. Captain Duddingston was wounded. He and his men were taken

[1] Hutchinson, *Hist. Mass.* III, 295–345.

[2] *R.I. Col. Recs.* VI and VII.

ashore. A writ was served on him and he was mulcted in damages for alleged unlawful seizures of rum and sugar.[1]

This barefaced defiance of authority and outrage on the British flag not unnaturally caused the utmost indignation at home. By an Act which had recently been passed for the protection of H.M. dockyards, prisoners accused of such treasonable offence might be brought to England for trial. A commission consisting of colonial officials, including the Governor of Rhode Island, was appointed to obtain evidence, in order that the civil magistrates of Rhode Island might have the offenders arrested and sent to England for trial under this law. But though they were perfectly well known, no evidence could be obtained against them. Colonial opinion expressed itself in an outburst of "universal abhorrence" of the idea, not of burning H.M. ships, but of sending those accused of the outrage for trial in England. The loudest protest came once more from Virginia. There Patrick Henry, Jefferson and Richard Henry Lee secured the appointment of a standing Committee of the Assembly (March 1773), the first business of which was to inform itself upon what authority the *Gaspée* court of enquiry had been established. At its invitation, other Assemblies presently set up similar committees for airing their grievances and corresponding with each other. They formed important links in the chain of growing inter-colonial union. Combined with Adams's local committees, they constituted the basis of a formidable revolutionary organisation.

Resentment on both sides was increased by the untoward affair of the Whateley letters. Hutchinson and Oliver, the Governor and Lieutenant-Governor of Massachusetts Bay, had written a series of confidential letters to Thomas Whateley, member of Parliament, who shared the responsibility for the policy of the Stamp Act. Both maintained that in view of the rebellious attitude of Boston and the weakness of the executive, the government must be strengthened, and that some curtailment of the privileges of the province was essential. These letters were stolen and brought to Franklin, who, as Agent of the province, forwarded them to the leading men in Massachusetts for their information. Though he had promised that they should not be copied or printed, it was not long before they were published. Only after Whateley's brother and executor had been wounded in a duel with the supposed purloiner of the letters did Franklin avow his responsibility. As soon as their contents were known, the council and Assembly petitioned for the removal of Hutchinson and Oliver. The petition was referred to the Committee of the Privy Council (January 1774). Franklin's conduct was fairly open to criticism. But Wedderburn, the Solicitor-General, in a brilliant and bitter speech, exceeded all limits. He described Franklin as unfit for civilised society; in an ugly gibe he pilloried him

[1] Arnold, S. G., *History of Rhode Island*, II, 309 seqq.

as a literary man who, having stolen this correspondence, would henceforth esteem it a libel to be called a man of letters—*homo trium literarum* (*fur*). With indecent levity Privy Councillors laughed and applauded. The petition was declared "false, groundless, scandalous, and calculated only for the seditious purpose of keeping up a spirit of clamour and discontent". Franklin was dismissed from his office of Postmaster-General. Though his views had advanced as the situation developed, he had propounded many schemes for the defence of the colonies and the opening of trade which, if they had been adopted, might have saved the situation. He had worked for union with Great Britain. He left the room its bitter and determined foe. The colonists resented the insults which had been heaped upon their distinguished representative. In England his conduct was judged abominable.

Whilst temper was rising over the *Gaspée* affair and the Whateley letters, the boycott of tea in America had helped to produce a crisis in the affairs of the East India Company which indirectly inaugurated the American Revolution. Huge stocks of tea lay unsold in its warehouses. Exports to America had dropped from 900,000 lbs. in 1769 to 237,000 in 1772. By the Act of 1772 a drawback of three-fifths of the duty on tea imported into England was allowed when it was exported to the Plantations. The Company was obliged to sell such tea to dealers at a public sale. To relieve the Company, but also with the intention of benefiting the colonies, North introduced a bill (April 1773) by which the Company was permitted to export a portion of its tea direct from its warehouses without public sale, and a drawback was granted of the whole duty paid upon importation into England. Whilst the dealers were thus eliminated, the cost of tea was reduced, so that the Company would be able to sell in the colonies at a price much below that at which even smuggled foreign tea could be retailed. Very unwisely, the Company appointed as its agents at Boston, not the reputable merchants who had usually handled the London tea trade, but men who had refused to take a share in the boycott of British goods and had earned thereby large profits and great unpopularity, or those who were identified with the administration.

Opposition was at once organised. Patriots were determined to prevent the landing of the tea, because, once landed, its cheapness would have ensured its sale and the consequent collection of the 3*d.* duty. The cry of monopoly was raised. The new measure was represented as part of the general attack upon colonial liberties; as a scheme of taxation intended to provide funds for the civil list, for taking away control over colonial officials, and providing means for establishing an episcopate. From Philadelphia and New York tea ships were compelled to return without landing their cargoes. At Charleston a cargo was landed, but the consignee did not dare to

handle it. At Boston three shiploads arrived in December. They were heralded by placards announcing to the inhabitants that "the hour of destruction stares you in the face". Public meetings were held under the direction of Samuel Adams to bring pressure on the governor. Arrogating to themselves the authority of a government, they prohibited the landing of the tea. Hutchinson, however, stood firm and insisted upon its being landed. On 16 December 1773 a band of men disguised as Indians boarded the ships and flung every chest of tea into the harbour. Nobody was punished for this act of violence. It had the desired result. It committed the patriot party all over the country to a more violent and radical position, and forced an open contest over the great question which lay beneath all these years of wrangling.[1] It was followed by an equally significant action on the part of the Assembly. After declaring that all judges who received salaries from the Crown were unworthy of public confidence, it proceeded to impeach Chief Justice Oliver on those grounds (14 February 1774). It was determined to maintain the dependence of the judges on the Assembly.

The repercussion in England was strong and immediate. The "Boston tea-party", as it is called, was admitted by Franklin to be an outrage which called for voluntary reparation. Chatham denounced it as a crime. Lord North asked Parliament to provide the means for putting down such disorders and securing the dependence of the colonies. On 14 March he proposed the closing of the Port of Boston and the removal of the Custom House to Salem until compensation should be paid to the East India Company. This was accepted as a fitting punishment even by such ardent Whigs and friends of the Americans as Barré and Conway. But Chatham, like Washington, held that reparation should have been demanded first, and that only on refusal should a bill of pains and penalties have been introduced. Acts were also passed legalising the quartering of troops on the inhabitants of Boston, and providing that persons indicted for murder in the suppression of riots might be brought to England for trial. Finally, the charter of Massachusetts was modified. The council hitherto chosen by the representatives was henceforth to be appointed by the Crown, as in other colonies. Judges, sheriffs, and all executive officers were to be appointed by the governor and be removable at pleasure. Judges' salaries were to be paid by the Crown. Town meetings, unless sanctioned by the governor, were prohibited. Juries were to be selected by the sheriffs.

All through the sessions of 1774 Chatham and Burke argued in speeches of unsurpassed splendour on behalf of the Americans. The vigour of their advocacy, indeed, might almost seem to justify the contention that the colonies were sufficiently represented in Parliament by British members in their aspect of imperial representatives.

[1] Fisher, S. G., *The Struggle for American Independence*, I, pp. 162–77.

Burke in his great speech on American taxation argued for conciliation by complete repeal of the tea tax and all the aggressive Acts since 1763. Addresses from the Assemblies had declared that this would content them. "Revert", he said, "to your old principles.... I am not going into distinctions of right....Leave America to tax herself. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it.... Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them with taxes; you were not used to do so from the beginning. Let this be your reason for not taxing." Chatham, whilst glorifying American love of liberty and urging conciliatory measures, proclaimed that if he thought the colonies entertained the most distant idea of throwing off the legislative supremacy of Parliament, he would be the first to enforce that power by every means.

To others it seemed evident that even now nothing but force would subdue the agitation in America. Governor Hutchinson from Massachusetts, Governor Tryon from New York were urging the necessity of spirited measures. The Government made the fatal mistake of passing penal measures without providing the means to enforce them and to prevent the cause of Boston being taken up as the cause of the thirteen colonies. In this they were misled by General Gage, who was sent as military and civil governor with a fleet and four regiments to succeed Hutchinson and close the port of Boston. Four regiments, he had assured the King, would suffice; the Bostonians would only be lions so long as we were lambs.[1] The assumption was that resistance would be confined to Boston. The policy of punishing one colony whilst doing nothing to exasperate the others and drive them into a confederacy had been advocated by Shelburne.[2] It misconceived the universality of the issue at stake, which touched Virginia, for instance, as closely as New England. The conflict of ideals represented by Samuel Adams and North could not be settled by ignoring those of Jefferson and Mason. Radical views were not confined to Massachusetts. The clamour that arose from the wharves of Boston was echoed by the mechanics of New York and on the quays of Charleston.

The coercive measures brought the quarrel to a head. General Gage closed the harbour of Boston on 1 June. Within a few weeks thousands were thrown out of work and threatened with starvation. But the unanimity of the colonies was demonstrated not only by words of encouragement, but by contributions of money and provisions which poured along the roads even from Carolina, and by the decision of Virginia and Maryland to cease exporting tobacco. A "solemn league and covenant" was formed to stop all commercial relations with Great Britain. Though hampered by the opposition of

[1] *Letters of George III to Lord North* (ed. Donne), I, 164. [2] Fitzmaurice, I, 318, 320.

the people, Gage built camps and barracks for his troops, and strengthened his position in Boston by fortifying the isthmus which connected it with the mainland. On 1 September, in view of the annual muster of the militia, he seized the powder in the arsenal at Charleston. A rumour was spread that the troops and fleet were firing on Boston, and a large body of New Englanders sprang to arms, but was dissuaded from marching on the town. Gage promptly abandoned the new seat of government which had been established at Salem, and shut himself up with all his troops in Boston. Already he had begun to ask for reinforcements and the suspension of the punitive Acts. When he endeavoured to put the Act for regulating the government of Massachusetts into force, the new councillors were mobbed.[1] Jurors refused to serve at the assizes, and judges were compelled to abandon their courts.

The efforts of moderate men to secure peace by paying for the damaged tea were defeated. But the leaders of the revolutionary party were well aware that only support from the other provinces could save them from collapse. For some time Samuel Adams had been openly advocating the institution of an annual "Congress of States", and the formation of an "Independent State or American Commonwealth".[2] Now, in response to the appeal of the Boston patriots, a Congress of Delegates from all the colonies was summoned to meet at Philadelphia and to consider the case of Massachusetts as one that concerned them all. To this Continental Congress, as it was called, for the term national could not yet be applied, all the colonies save Canada, Florida and Georgia sent delegates (5 September 1774).

Practically no attempt was made to prevent its meeting. This was partly because, with Gage shut up in Boston, there was no sufficient military force available; partly because it was desired not to provoke rioting; and partly because it was thought that a genuine attempt to settle the Boston trouble would be made. It was probably expected that matters would be conducted upon the basis on which the delegates of most of the colonies were instructed to proceed, namely, to demand redress of grievances and to restore union and harmony with Great Britain.[3] Some such conciliatory proposal as that made by Joseph Galloway would, it might be hoped, show the way to a settlement. Galloway, a Pennsylvanian, proposed that a Grand Council elected by the provincial Assemblies should legislate for the colonies on matters affecting more than one; and that its acts should be revised by Parliament, whilst the Council should have the right of vetoing any Act of Parliament relating to the colonies. Moderates and extremists were at first evenly matched,[4] and this suggestion met

[1] *Mass. Hist. Soc., Proceedings*, Ser. II, XVI, 287.
[2] *Boston Gazette*, 1773; Hosmer, J. K., *Life of Samuel Adams*, p. 238.
[3] Jones, Thomas, *New York in Revolution*, I, 34; *Journal of Proceedings of Congress*, I.
[4] Adams, J., *Works*, II, 350; and *Journal of Congress*, I.

with strong support. But the extremists gained their way and presently dominated Congress. For the Loyalists had been allowed little or no share in the election of the delegates, who were for the most part chosen either by the Committees of Correspondence or by Assemblies under the control of extremists.[1] American revolutionaries, like their French successors, quickly realised that the rights of man are not like the rains of Heaven, which descend upon the just and unjust, but that by some perhaps divine dispensation they are withheld from one's opponents. All over the country, but especially in New England, a reign of terror was being directed against supporters of the British Government. Loyal farmers were tarred and feathered and driven off their lands.[2]

Meanwhile, in Massachusetts independence had practically been proclaimed by the "Suffolk Resolves". At a meeting held at that place resolutions were passed which, after describing England as a parricide, declared that no obedience was due to the recent Acts of Parliament; that no taxes should be paid, and that government officials should be seized if any attempt at arrests were made. The Quebec Act was denounced as threatening American liberties and the Protestant religion. These resolves were submitted to the Continental Congress. By accepting them, approving the resistance of Massachusetts, and declaring that, if force were used against her, "all America ought to support her", Congress proclaimed the solidarity of the colonies, but also identified itself with a definite act of rebellion.

The documents finally drawn up by Congress made an appeal to arms inevitable. The Declaration of Rights was in the nature of an ultimatum. It demanded the repeal of thirteen Acts of Parliament to which exception had been taken since 1763. This was to demand, in effect, the abolition of the old colonial system and the laying down of the sovereign authority of Parliament. Exception was made, however, to Acts "*bona fide* restrained to the regulation of our external commerce,...excluding every idea of raising a revenue on the subjects in America". This exception was insisted upon by the New York delegates. Like the reiteration in the addresses of a heartfelt desire for union and harmony, it represented the views of those who were still averse from separation, and was intended also to appeal to supporters in England, whose strength was greatly overestimated. For in Parliament the opponents of the American policy of the Government, though they now included Fox as well as Burke and Richmond, were small in numbers, divided in policy, and discredited in reputation. When Grafton resigned office and joined the Opposition in August 1775, he did not take with him half a dozen votes.[3] Conway's resignation exercised even less influence. The

[1] *Journal of Congress*, I, 2–7.
[2] *Am. Archives*, 4th Ser. I–VI, *passim*.
[3] Walpole, H., *Last Journals*, III, 3; Lecky, W. E. H., *Hist. of Eng. in Eighteenth Cent.* IV, 329.

conciliatory proposals of Burke in March of that year were defeated by 270 to 78 votes. In the country it was the same story. According to Burke himself, the landed interest, the mercantile community and the people were now alike in favour of the coercive measures of the ministry.[1] The Established Church was firmly anti-American; literary opinion for the most part, and legal opinion almost unanimously, supported the Government. "I never remember", says Burke, "the opposition so totally abandoned",[2] and a little later he added, "the good people of England seem to partake every day more and more of the character of the administration". Opposition, he complained, had to face a torrent, not merely of ministerial and court power, but also of almost general opinion.[3]

Among the Acts which Congress required to be repealed was the Quebec Act of 1774. That measure, so admirable in other respects, was a source of annoyance and suspicion to the Americans for two reasons. On the one hand it sanctioned the Roman Catholic faith as held by the enormous majority of the inhabitants of Canada. Thereby it aroused the fierce resentment of Protestant New Englanders. On the other hand, it reversed the decision of Shelburne in 1763, and extended the boundaries of Canada in the direction of the back settlements, so as to include all the lands which had not previously been granted or comprised in any charter in the regions, stretching southwards to the Ohio and westwards to the Mississippi, represented by the modern States of Michigan, Indiana, Illinois, Ohio and Wisconsin. At the same time it placed this whole enlarged province of Quebec under a military governor and nominated council. But settlers from Virginia, Massachusetts, Pennsylvania and Connecticut had been moving on towards the Ohio and Mississippi, and several provinces held that they had claims in that direction. They saw in the new ordinance an intention on the part of the British Government to check their development westwards, and in the establishment of a military governorship merely a step towards wholesale reconstruction of colonial administration and the prohibition of new settlements under free institutions. Congress, therefore, with somewhat short-sighted finesse, despatched two Addresses, one to the people of Great Britain, denouncing the establishment of Roman Catholicism in Canada, and the other to the Canadians, inciting them to rebel against the tyranny of Great Britain. For it was supposed that the Canadians were fretting under despotic restrictions on their liberty.[4] But in fact, while providing additional irritants to the Americans, the Quebec Act had secured the loyalty of Canada.

Still more significant was the adoption of an agreement, or "Association", for enforcing a complete cessation of commercial

[1] Burke, *Corresp.* II, 2 (Jan. 1775).
[2] *Ibid.* II, 48 (Aug.).
[3] *Ibid.* II, 68 (Sept.).
[4] Josiah Quincey to Franklin, *Mass. Hist. Soc. Proc.* 1863, p. 119; *Warren-Adams, Corresp.* I, 258, *Mass. Hist. Soc. Proc.* 1917.

relations with Great Britain. By thus assuming legislative functions and arrogating to itself the right to compel citizens to obey its decrees, Congress was beginning to act as though it were a legal national Convention. Loyalists, with reason, recognised in this act an usurpation and the threat of a republic.[1] From this moment their numbers increased; many of the moderate patriots, like Dickinson, joined them, breaking away from the extremists. They criticised freely the acts and tendencies of Congress. Separation, they foresaw, must be the result; and that, they foretold with accuracy, would end not only in war with Great Britain, but in civil wars, in anarchy and mob rule, and financial chaos. They protested; and the patriots answered by suppressing freedom of speech, and driving many of them from their farms and from the country.

Probably many of those who voted for these measures of Congress did not perceive their full significance, and believed that Great Britain would yield to threats and demonstrations of force, as she had yielded before, first over the question of governors' salaries, then over the Stamp Act, and lastly over the Townshend duties. Only so, can their protestations of allegiance to the Crown be reconciled with their actions; only so, and by realising that in many minds union with Great Britain had come to mean independence within the Empire, with the King for head. They had read by this time Jefferson's *Summary View*,[2] in which he described the King as "the Chief Magistrate of the Empire", claimed free trade as a natural right, and denied the legislative supremacy of Parliament. All the Acts which it had imposed upon the colonists were therefore null and void. Thus the argument reached the last stage but one. To the King himself, the reverse side of the medal alone was visible. "All men", he wrote at this time to Lord North, "seem now to feel that the fatal compliance in 1766 has encouraged the Americans annually to increase their pretensions to that independency which one state has of another, but which is quite subversive of the obedience which a colony owes to its mother country." And on 18 November he wrote to Lord North "The New England Governments are in rebellion.... Blows must decide".

Congress broke up on 29 October after appointing 10 May for its next meeting. Whilst it was sitting, Massachusetts had taken a further step. The spirit displayed by the Assembly had left Gage no choice but to dissolve it. He issued writs for another to meet at Salem; then, finding that so many of the councillors had been forced to resign, he countermanded them. But the delegates met none the less (5 October). Calling themselves a Provincial Congress, they began to act as a revolutionary government. A "Committee of Safety" was appointed from their number. They denounced the

[1] *The Congress canvassed* (1774), p. 14.
[2] *A Summary View of the Rights of British America*, Williamsburg, 1774.

steps taken by Gage to fortify Boston against attacks from the mainland, and at the same time justified him by issuing bills of credit, calling upon the people to arm and drill, and by taking steps to accumulate military stores at Concord, and to secure the aid of the Mohawks.[1] A company was recruited from the Stockbridge Indians. The other colonies followed their example and began to arm.

In England a new Parliament met on 1 November 1774. The elections had shown that the feeling of the country was clearly on the side of the ministry. Conciliation, it was felt, had been tried and had failed; the rebellious spirit of Massachusetts must be quelled. The challenge from America to the supremacy of Parliament was indeed too definite to have any other possible reaction. As the King was opposed to any further negotiation, North brought in further coercive measures. The military forces were to be strengthened and all the colonies except New York, Delaware, Georgia and North Carolina were cut off from the use of the fisheries and trade with Great Britain. All who resisted were proclaimed rebels and traitors. In the House of Lords (1 February 1775), Chatham continued his championship of the American cause. He brought in a bill which, whilst affirming the right of Parliament to control trade and quarter soldiers, would have established an annual Congress, charged with making a free grant to the imperial Exchequer. The bill was rejected on the first reading. Similar resolutions moved by Burke and David Hartley met with a similar fate (March). Attempts to obtain the repeal of the Quebec Act were also rejected by enormous majorities. But North was fully aware that the Rubicon had been reached. With the approval of the King, but to the disgust of the "King's Friends" and the Bedford Whigs, who nearly brought about his downfall, he made a sudden last gesture of reconciliation. On 20 February he proposed that any colony which should make an acceptable offer for the support of the civil and military government should be exempt from imperial taxation for the purpose of revenue. It was too late. The concession granted did not go far enough. It was open to the suspicion that it was merely intended to create division among the colonies. But it was, at least, an olive branch held out, which could be rejected only by those who had ceased to desire to negotiate. Yet it was spurned by the Opposition, and contemptuously rejected by every one of the colonial Assemblies. Indeed, by the time it reached America, the situation had passed beyond all possibility of reconciliation.

Gage had decided to seize the arms and ammunition which had been collected at Concord on 19 April. The troops sent from Boston found an armed force drawn up near Lexington to resist them. These they dispersed. But lantern signals, the firing of guns, and tolling of church bells had called the whole country-side to arms. On their

[1] 4 April 1775; Washington, *Works*, III, 495.

way home, after destroying the stores at Concord, the troops were attacked. A rain of bullets was poured into them from behind farmhouses, stone walls and hedgerows. When they reached Boston at sunset, they had lost some 65 killed and 208 wounded and prisoners. The Americans lost 93 in all. The Rubicon had been crossed. Three weeks later the important forts of Ticonderoga and Crown Point commanding the approach to Canada were surprised and captured by a party of volunteers from Connecticut.

On the same day, 10 May, the second Continental Congress, though prohibited by the British Government, assembled in the Quaker city of Philadelphia. New York, which had held aloof after the first Congress, rallied to the cause. Georgia, after the news of Lexington, threw in its lot with the others. In Virginia, the old aristocracy of planters and men of property were taking alarm. But the forceful eloquence of Patrick Henry secured by one vote a decision to elect delegates. When the governor, the Earl of Dunmore, began to transfer the powder from the magazine at Williamsburg to a man-of-war, he was compelled to return it. At the news of Lexington, Henry placed himself at the head of the Hanover Militia. Dunmore subsequently made an ineffectual endeavour to raise a royalist force and suppress the rebels. But he was forced to seek refuge on board H.M.S. *Fowey*. After burning Norfolk, which had fired on the King's ships, he sailed for New York (November–December). He had gone to the length of declaring all negroes of rebels free. The third Revolutionary Convention (July) declared that he had deserted his post; authorised a large issue of paper bills, and appropriated the coveted western lands. In most of the other colonies, where the governor had no military support, the King's rule ceased, and governments were administered by Provincial Congresses.

In Massachusetts, immediately after Lexington, the Provincial Congress decided to raise its army to 30,000 men and to seize the arms of all Loyalists. Gage, after remaining for some time on the defensive in Boston, at length determined to occupy a small eminence commanding the city, called Bunker Hill, which he had omitted to include within his lines. Learning of his intention the colonists, on the night of 16 June 1775, entrenched themselves on the neighbouring height of Breed's Hill. When the British troops advanced, they were met by a withering fire from behind entrenchments. Twice they were flung back, and yet a third time they advanced and won the position, but with the loss of over 1000 men out of some 2500. The Americans had numbered little more than 1500. Not only did their losses very seriously weaken the small British force in America, but the effect upon the military spirit of the colonists was incalculable. The courage and coolness displayed by the raw levies of militiamen had demonstrated for the first time their power to engage regular troops, and

provided a triumphant answer to those who, like Lord Sandwich, echoing the verdict of Wolfe, had sneered at the cowardice and incompetence of the Americans.

In the meantime Congress had taken fateful steps. North's conciliatory resolution was dismissed as "unseasonable and insidious". The British Government was denounced. Appeals for support were addressed to the people of Ireland and Jamaica. A declaration was published "on the causes and necessity for taking up arms", and resolutions were passed for raising and regulating a Continental army under the authority of Congress. The most important step, however, was the appointment of Washington as Commander-in-Chief (February). At the instance of Dickinson, a second petition was addressed to the King, declaring the fundamental loyalty of the colonies. This petition, known as the "Olive Branch", was entrusted to Richard Penn, one of the proprietors of Pennsylvania, where, as in New York, Maryland and South Carolina, the conservative party was particularly strong. The King, failing to see how professions of loyalty could be consistent with armed rebellion, refused to receive it on the ground that it was drawn up by an illegal and self-constituted body. This was in September. In the same month the Americans began their unsuccessful invasion of Canada, which had been decided upon in June.[1] Emissaries had already been despatched to stir up sedition in the West Indies. Though the islands depended for their protection entirely upon the British fleet, they depended for their provisions upon their trade with America. They had had, too, their share in the smuggling trade on the American coast, and in the long struggle with governors and councils for the supremacy of the Assemblies. Now, as so often before, addresses from the Assemblies of Jamaica and Barbados echoed the language of Boston. From Bermuda delegates were sent to the Congress at Philadelphia. The Bahamas openly supported the Americans, and permitted them to carry off the guns and ammunition from their forts, which they had refused to the ships sent by Gage (August).

Parliament met on 26 October. The King's Speech announced the intention of dealing vigorously with the colonists, and the ill-judged decision to engage foreign troops. Difficulty was already being experienced in obtaining recruits to fight their fellow-subjects. The English army was small and the demands from America were already large. The hiring of Hessian troops for this purpose was none the less a blunder of the first magnitude. It "made reconciliation hopeless and the Declaration of Independence inevitable".[2] The presence of foreign troops made the Americans feel that they were being treated as a foreign foe; the misconduct of the troops exasperated them and brought discredit upon British arms. Their employment prepared the colonists to enlist the aid of foreigners themselves. The

[1] Washington, *Works*, III, 41. [2] Lecky, IV, 244.

Duke of Grafton, when shown a draft of the King's Speech, resigned on those grounds. His post of Privy Seal was filled by Lord Dartmouth, a well-intentioned and religiously-minded man and a former member of the Rockingham ministry, who had succeeded the blundering Hillsborough as Secretary for the Colonies in 1772. Lord George Germain succeeded him, and Lord Weymouth succeeded Lord Rochford as Secretary of State. Lord Lyttleton, Chief Justice, was added to the Cabinet. These changes reflected the strengthening of the determination to bring the colonists to their knees. Grafton, after resigning, threw himself into vigorous opposition, endeavouring, not without success, to unite the warring factions of the Whig party. His aim was speedy reconciliation with the thirteen colonies, for he regarded even their loss as a lesser evil than an attempt to hold them by force.[1] But though Barré and Shelburne and Camden and Dunning added their eloquence to that of Burke, the division between the old-fashioned Whigs and the Rockingham party remained, and weakened the effect of their onslaughts on the Government programme.

In November 1775 Lord North introduced a bill to prohibit all trade and intercourse with the Thirteen Colonies. So dispirited was the Opposition that the bill was passed on 11 December by a majority of 112 to 16. In November, too, Congress issued letters of marque and appointed a Committee of Foreign Affairs to correspond "with friends of America in other countries". Early in 1776 Silas Deane was despatched to France.[2] For in the background of this dispute there was always France, that proud, imperial nation which had been worsted in the unceasing struggle for expansion waged with Great Britain for a hundred years at home and across the seas; France, eagerly and inexorably determined to exact vengeance for the loss of Canada and India, by helping to wrest the American colonies from the hated English.

Money, arms, ammunition, ships were essential for the success of the Americans. But they could not hope to obtain these from France without a declaration of their complete separation from Great Britain. French agents were at hand to make this clear. Both steps were distasteful to many, and to the southern colonies in particular the idea of a republican government was hardly acceptable. The struggle in Congress was long and bitter. By the inexorable logic of events arising from action and reaction on either side, from mishandling, misjudgment, and the inevitable clash of principles whose significance and solution were not perceived, colonial opinion was brought up to the last fence. It was helped to take it by the timely publication of Thomas Paine's *Common Sense*. That pamphlet, written by an Englishman, attacked England and monarchy in terse and violent phrases, and proclaimed in sledge-hammer style that the

[1] Duke of Grafton, *Autobiography*, p. 318.
[2] *Vide infra*, pp. 705–12.

time had come to part. The tract sold by tens of thousands, and had a profound influence upon popular feeling.[1]

When the question of independence was first debated in Congress, Pennsylvania, Delaware, New York and South Carolina refused to vote in its favour. But on 2 July twelve colonies, New York still abstaining, decided that they "were absolved from all allegiance to the British Crown". On 4 July the Declaration of Independence, drawn up by Thomas Jefferson and revised by Franklin and John Adams, was voted, and presently signed and accepted by all. Premising that "all men are created equal", and attacking with great bitterness "the repeated injuries and usurpations" not of Parliament, the enlargement of whose control had hitherto been denounced, but of "the present King", to whom so much devotion had been expressed, it declared that "these united Colonies are, and of right ought to be, free and independent States". "The American Colonies", exclaimed Lord Camden, "are gone for ever!" Gone, indeed, they were; but in their going taught a lesson of profound importance to the Empire they quitted, whilst they themselves, out of the old British ideas of liberty, law, and constitutional government, developed a new and epoch-making form of political life.

[1] Washington, *Works*, III, 276.

CHAPTER XXIII

INTERNATIONAL RELATIONS IN THE COLONIAL SPHERE, 1763–1783

BUTE had made peace in a hurry. The history of the next twenty years is in many ways a justification of Pitt's denunciation of it. Spain, retaining all her South American possessions and receiving from France New Orleans and all that remained to her of Louisiana, in compensation for the cession of Florida, was now possessed of the greatest colonial Empire that had ever fallen to the lot of a modern nation. She held three-quarters of the habitable parts of North and South America. The richest and greatest of the West Indian islands were hers. Her Empire stretched from frozen North to frozen South through 110 degrees of latitude, and it contained the richest mines in the world. But this great estate was in hands powerless to use it. Even the gift of half a continent by France was looked upon askance, since it brought Spain into direct contact with the British traders.[1] Louisiana, thus grudgingly accepted, was never strongly held. A Spanish governor was sent there in 1766, but it needed an army from Havana to induce the French colonists to accept him (1769). Many of the rich proprietors withdrew to British territory; the prosperity of the country dwindled, and Spain, it was said, had only added another desert to her Empire.[2]

Amongst her gains in the West Indies, Great Britain had acquired in Tobago an island which was strategically of importance, not only to Barbados, but also as a base from which a squadron co-operating with another off Porto Rico could command all vessels bound for the West Indies.[3] But there had been restored to France, in Martinique and Guadeloupe, two bases from which she could, as hitherto, organise hostile raids, send out privateers, and prosecute contraband trade with the British West Indian islands. The sum of the matter is, that not only were many valuable conquests sacrificed without adequate return, but France was left with starting points in every quarter of the globe—Goree, the West Indies, India, and Newfoundland—from which she might begin to recover her naval, commercial and colonial Empire, so soon as her strength was equal to her determination.

The House of Bourbon, then, had not been crushed as Chatham would have crushed it. It was firmly seated on the thrones of France and Spain, united by the Family Compact, and guided for the most

[1] Chadwick, F. E., Admiral, *Relations of the U.S. with Spain*, p. 15.
[2] Fantin, O., *Hist. France*, VI, 377; D'Aubigny, E., *Choiseul et la France d'outre-mer*.
[3] Rodney to Grenville (written before the Peace), *Grenville Papers*, II, 18, 25, 26.

part by men whose ruling passion was hatred of Great Britain, desire for revenge, and longing to regain what had been lost in the colonies and at sea. In France the long views, the ambitious imperialism and the unscrupulous intrigues of the Duc de Choiseul were counterbalanced by the sluggish nature of Louis XV, and the exhaustion, military and financial, of his kingdom. For war, as one Minister of Finance after another was at pains to explain, must mean bankruptcy. Having made that explanation, one Minister of Finance after another was dismissed.

In Spain, the Marquis de Grimaldi was little more than the shadow of Choiseul's sun, and, as is the way of shadows, grew smaller as the sun reached its zenith. His policy is described by acute English observers as absolutely French.[1] But the Spanish monarch was inspired by keener emotions than Louis. Hatred of Great Britain was with Charles III almost an obsession. To personal pique was added jealousy of British naval supremacy, desire to regain Gibraltar and Minorca, and dread of British competition in the South Seas. For apart from the maintenance of the dignity of the Crown, the preservation of the territorial integrity of Spain "Ultramar" and of the commercial exclusiveness of her colonial Empire was the guiding principle of his policy. Moreover, apart from revenge, there was one abiding factor which compelled persistence in the commercial and colonial rivalry of France and Spain with Great Britain, and which Chatham's policy would only have rendered more important. For by all three Governments alike commerce was at once fostered and confined by means of prohibitory systems which limited trade with the colonies to the mother countries. Their object was to secure a favourable balance of trade; a monopoly of the colonial markets for the home manufactures and of the raw materials produced by the colonies; and to stimulate the building up of great mercantile marines and of fisheries as nurseries of seamen for protecting navies. The tighter the system and the greater the preponderance of one country, the fiercer became the necessity for others to recapture their lost colonies.

The scene, then, was set for a drama of *revanche*. After many alarums and excursions, the *dénouement* was destined to be brought about by the very means which many French observers, from Montesquieu to Choiseul and Vergennes, from Montcalm on the Heights of Abraham to Turgot in his study, had predicted and hoped, namely, the revolt of the American colonies.

Whatever may have been the political and economical wisdom or unwisdom of Pitt's ideal of destroying France as a maritime, commercial and colonial rival, loyal fulfilment of the conditions of the peace was no part of French policy. Pitt rightly held that those

[1] Harris, James, *Diaries*, 1770; Lord Rochford to Lord Halifax, 1764, cf. Coxe, W., *Memoirs of the Bourbon Kings of Spain*, vol. III.

conditions were not severe enough to prevent France from entering at once upon the task of upsetting them. As early as April 1763, Louis XV sanctioned the scheme of the Comte de Broglie, who, acting as the minister of his secret diplomacy, commissioned the preparation of plans for the invasion of England. This was to be the first blow struck at the commencement of a new war, instead of wasting strength, as hitherto, upon distant expeditions. "Officers", says the Duc de Broglie, "were sent to England who reconnoitred the possibilities of invasion, the points of disembarkation, the means of obtaining supplies, and the roads, camping grounds, etc., as far as London. On the French side of the Channel, all means of executing the project were exactly calculated."[1] The two chief agents chosen for this purpose were a young officer of Engineers, the Marquis de la Rozière, and the Chevalier d'Éon de Beaumont, first secretary of the French Embassy at London, whose subsequent career is one of the minor curiosities of history.[2] All this was done without the privity of Louis' ministers. But it was quite in keeping with Choiseul's policy. That policy throughout this period remained the same. It was to secure France on land by alliances on the continent, whilst making France and Spain strong and prosperous enough to wage a successful war abroad against Great Britain and Portugal. Choiseul's hopes were perpetually cheated. As the crises arose which demanded the action he had prepared for, he was forced to hesitate and hang back, realising that neither France nor Spain was capable of carrying on war successfully. When the moment came to act, therefore, his policy involved him in endless obscurities and contradictions.

The peace preliminaries were no sooner signed than Choiseul applied himself to reforming the army. He rendered it capable of being rapidly increased and promptly used. As Minister of Marine (1761–6), he organised the reconstruction of the fleet. Empty dockyards were stirred to life; money flowed where before there was not a *sou* of credit. He found a force of forty-four ships of the line and ten frigates. He left, at the time of his fall, sixty-four ships of the line and fifty frigates, or *grosses corvettes*,[3] ready for sea. These and the rehabilitation of French finances, a task in which he was less successful, were necessary preliminary steps towards the accomplishment of his great scheme. His ambition was, briefly, to establish French supremacy in the "two Mediterraneans"—that of Europe and that of the Gulf of Mexico.

Before the first year of the peace was out, Lord Egmont, First Lord of the Admiralty, was aware that the activity in French naval dockyards was great and alarming. In Toulon alone, twenty-six ships were reported to be more ready for sea than the twenty "intended" guard-

[1] Boutaric, E., *Correspondance inédite de Louis XV*, I, 291; Duc de Broglie, *The King's Secret*, II, 81 seqq.
[2] Gaillardet, F., *Mémoire sur le Chevalier d'Éon*; d'Éon, *Mémoires et négociations*.
[3] Chevalier, Édouard, *La marine française*, p. 63.

ships in all the English ports A sudden and decisive blow by twenty sail of the line was feared, aimed at the ports and docks of England or Ireland. Secret intelligence revealed that "one of the principal Ministers of France" had stated that the French marine would certainly be re-established by the ensuing year, and that, the moment this was accomplished, France was resolved to wipe off the stains of defeat. Newfoundland was to furnish the pretext for the intended rupture. The point at issue there was whether the English had retained a right to share in the cod fishery about St Pierre and Miquelon, and it was the source of prolonged controversy (1764–83). In the meantime, the development of the Sugar Islands ceded by France was to be encouraged, rather than opposed, "because France was resolved to re-possess them very soon".[1]

In the colonial sphere Choiseul endeavoured to develop France's possessions overseas by substituting colonisation by bureau for colonisation by companies. The *Compagnie des Indes*, which was practically bankrupt,[2] was suppressed, and the settlements made under its aegis were transferred to the immediate administration of the Crown. One company alone, the *Compagnie de Barbarie*, which enjoyed the monopoly of trade on the north coast of Africa, was allowed to retain its privileges. Elsewhere the State now assumed the task of provisioning the colonies and supplying them with negroes and settlers. With Choiseul colonisation was not so much an end in itself as a step towards that war of revenge against Great Britain for which he was always preparing. To this end he never ceased to urge Spain to "increase her naval and colonial power". And at San Ildefonso, he boasted, his influence was more powerful than at Versailles.[3] One result of his advice was an attempt to reform the financial administration of the Spanish colonies, beginning with Mexico. The attempt was answered by insurrections at Los Angeles, Cuba and Quito.[4] Plans, too, were drawn up by the Spaniards for the naval and military defence of their colonies. Choiseul insisted that improvement of the Navy was more vital than the preparation of plans. With this object, French engineers were introduced into the Spanish dockyards.

During the Seven Years' War Choiseul had conducted an enquiry into the Spanish West Indian trade through the agency of the Abbé Béliardi.[5] After the Peace of Paris he turned these investigations to account with a view to promoting the prosperity of French and Spanish colonial trade. A convention was signed in January 1768. But Choiseul was not given time to complete his scheme of a far-reaching commercial union between the two countries directed

[1] Egmont to Grenville, 3 Dec. 1763, *Grenville Papers*, II, 172.
[2] Weber, H., *La compagnie française des Indes*, pp. 591 seqq.
[3] *Besenval Mémoires*, II, 15; Renaut, F., *Le Pacte de Famille*.
[4] Lord Rochford, *Dispatches*, March 1766.
[5] Béliardi, Abbé, Correspondance, Bibliothèque Nationale.

against Great Britain. Meanwhile negotiations for opening the door of the Spanish Indies to the products of France resulted in the reduction of the duties on goods exported from Spain to America (1765). As such exports were mainly French in origin, France benefited by being thus enabled to undersell the British contraband goods which had hitherto commanded the market.[1] Jamaica was the chief centre of the British interloping trade with the Spanish colonies. From that emporium were shipped the cargoes which British interlopers ran to the Spanish West Indies and the Gulf of Mexico. From Havana, too, they continued to conduct with Vera Cruz a contraband trade which the brief British occupation of that port had enabled them to establish. To Panama, to Louisiana and the Bay of Honduras British goods found their way and, with the connivance of the Portuguese, even to Uruguay and Buenos Aires. For the energy and individuality of British manufacturers and shippers enabled them to compete successfully with the Spanish merchants who, hampered at every step by formalities and taxes, were compelled to ship their goods by slow *flotas* and convoyed galleons.[2]

Grand as were the ideas of Choiseul and great as were his reforms, it was really in vain for him to fortify and enlarge ports, or to set up Chambers of Commerce and Agriculture for the colonies, so long as the stream of population, weakened by the loss of the Huguenots and diffused over too large an area, was fed only by soldiers, missionaries, and the riff-raff of the towns, shipped off against their will by order of the State and forbidden to return. A glaring instance of political and strategical ideas thus ignoring practical provision for gradual colonisation was furnished at this time by the disaster of Kourou. For now that Canada had gone the way of Nova Scotia, Choiseul's eager and scheming brain had set in motion a daring design intended to retrieve that loss. Out of the colonies remaining to France in the West Indies and Guiana, he proposed to create a new colonial empire, *La France Équinoxiale*, in the Gulf of Mexico and the West Indies. In conjunction with his Spanish allies he hoped thereby to develop a market for French goods in Spanish America and to destroy British trade with the South. His attempt to plant a strong colony in French Guiana (Valley of Kourou and Cayenne) was the logical outcome of this far-seeing scheme. The district had been surveyed by his agents in the preceding year. Now shipload after shipload of French settlers, drawn from Nova Scotia and Louisbourg, and reinforced by the sweepings of France and the Mediterranean ports, was sent thither. Unhappily, the colonists were dumped upon a barren, fever-stricken coast, without shelter or adequate preparation for their reception. An epidemic broke out. Within a year, of 9000 colonists 3000 were dead; presently, hardly one remained (June

[1] Blart, L., *Rapports de la France et de l'Espagne*, p. 7.
[2] Rousseau, F., *Règne de Charles III*, t. II.

1763–4).[1] Two years later another attempt to colonise the country was made and with Choiseul's support a company was formed for that purpose. But this second attempt proved only less expensive in lives and money than the first.

Thus Choiseul's fine conception of calling in the South of America to redress the balance of the North ended in disaster, and the grand idea of *La France Équinoxiale* went the way of that of *La France Septentrionale*. The loss of so many settlers and thirty million *livres* was bad enough. But still worse for France, perhaps, at this critical era of overseas development, was the paralysing influence which such losses and failures were bound to exert upon French colonial enterprise. One instance of this may be found in the refusal of official encouragement which helped to render abortive an attempt to colonise Madagascar made by the Comte de Maudave in 1768.

These were but the last of a long series of disasters, military and financial, which had befallen France overseas. Yet these very disasters would seem to have opened up a new and remarkable era of prosperity for her remaining colonies in the western hemisphere. All the energy and trade which had been absorbed by Canada and Louisiana were now directed to the West India islands. The golden age of the French West Indies began. For a time it seemed that the French would drive the British out of the sugar trade. They were greatly helped by the large smuggling trade carried on by the British American colonies. Aided by the Spanish alliance and the reduction of restrictions upon colonial trade, the prosperity of San Domingo, "the Pearl of the Antilles", advanced at a prodigious rate. By 1788 it had absorbed two-thirds of the whole foreign trade of France. It was estimated that the total value of the French West Indian trade in 1766 was one hundred million *livres*, as against sixty-six for the British trade, twenty-four for the Dutch and ten for the Spanish.[2]

Martinique, the seat of government of the French Windward Islands, remained the chief market and shipping station. Rodney had pointed out the great strategic value of the island he had captured, since it lay in the centre of the crescent formed by the Caribbee Islands, its arch to windward. This happy situation, its numerous harbours, safe roads and fertility of soil gave it, in his opinion, the preference over all the other islands.[3] It was calculated that, if occupied by the British, its production of sugar could be more than doubled within a few years. It had, however, suffered severely from the British maritime supremacy during the Seven Years' War, and had not recovered from the disastrous bankruptcy which followed upon the huge commercial speculations of the Jesuits. Its commercial

[1] See D'Aubigny, E., *Choiseul et la France d'outre-mer*; Marcus, W., *Choiseul und die Katastrophe am Kouroufluss*.

[2] Raynal, G., *Hist. philosophique...des établissements...dans les deux Indes*.

[3] Rodney to Grenville, *Grenville Papers*, II, 10.

supremacy, indeed, was now eclipsed both by San Domingo and by its neighbour in the Windward group, Guadeloupe. The latter, since it lay to leeward, was of less importance strategically than Martinique, but four years of British occupation, during which 40,000 negroes had been imported, had enormously increased the productivity of this fine and fertile island.[1] So profitable, indeed, had it already become, that it had been argued that it might be wiser to retain it rather than Canada at the Peace of Paris, more especially as the threat of the French in Canada would help to remind the colonists of their debt to the British Empire.[2] Apart, then, from the comparative decline of Martinique, the French, as the issue of their long-drawn out rivalry with the British in the West Indies, held at this period a position of commercial supremacy. It was a supremacy which slowly but surely waned, and was destined to receive at the close a crushing blow from Rodney.

When Bute retired in April 1763, his successor, George Grenville, was soon made aware of the incessant activity with which Choiseul and Grimaldi were intriguing to recover lost possessions. Settlement of points arising out of the treaty was avoided. Among the questions thus kept open by France were those of the demolition of the seaward fortifications of Dunkirk, the liquidation of the bills of credit issued by the French in Canada, and the payment of the sum due for the maintenance of French prisoners of war. The latter point was pressed by Grenville in July 1764, as a test of France's intentions to fulfil the stipulations of the treaty.[3] At this juncture, a French squadron had, under Comte d'Estaing, seized Turk's Island, which was claimed and partly settled by the English. Grenville decided to deal with this and the other matters in dispute with France "by firm and temperate measures, before the fire is lighted in so many parts, and fed with so much fuel, as to make it impossible to extinguish it".[4] Reinforcements were ordered to the West Indies and "preparatory orders" were got ready to be sent to Admiral Burnaby in those parts. The French refused to recall Estaing, but Grenville's firmness compelled them to disavow his action and to promise reparation for damages (August–September 1764). At this very moment Choiseul's agents were investigating the military position in America and reporting that the British troops were so few and scattered as to be of little account, whilst the colonies refused to take steps to protect themselves.[5] And at the same time despatches from Lord Rochford, the British ambassador at Madrid, were revealing traces of a plot, concocted by the ministers of the Family Compact, to burn the dockyards of Portsmouth and Plymouth[6] (September 1764 and 25 February 1765).

[1] Rodney to Grenville, *Grenville Papers*, II, 11, 12.
[2] See Grant, W. L., "Canada versus Guadeloupe", *Am. H.R.*, July 1912, pp. 735 seqq.
[3] *Grenville Papers*, II, 380, 409–12.
[4] *Ibid.* II, 418–38.
[5] Bancroft, G., *Hist. U.S.* III, 28; Fitzmaurice, *Life of Shelburne*, II, 3–5.
[6] Printed by Coxe, W., *Memoirs of the Bourbon Kings of Spain*, III, 298.

Similar firmness shown by Grenville in dealing with Spain resulted in a similar conclusion to an incident in the Bay of Honduras. There the vagueness of the treaty induced frequent violation of Spanish territory by British settlers, who pushed their contraband trade into the interior, even as far as Mexico. Acting upon instructions from home, the Governor of Yucatan and Commandant of Bacalar endeavoured to curb this trade and expelled British settlers from those points on the coast which were deemed beyond the limits indicated by the treaty. They ordered them to retire from Rio Hondo, and to confine themselves to the right bank of Rio Nuevo and Rio Wallis. By these aggressions 500 settlers lost their homes and property worth £27,000.[1] Vigorous remonstrances were made by the British Government, and pressed in spite of military demonstrations by Spain. At last an order was obtained for restoring the settlers and censuring the Spanish officers concerned, but demands for punishment and reparation were dropped.[2] During these negotiations Grimaldi, instigated by Choiseul, almost caused a rupture with Portugal by delay in restoring Sacramento, complaints as to contraband trade with Buenos Aires and Paraguay, and disputes as to the limits of the two colonies. The Marquis de Pombal, the Portuguese minister, appealed to Great Britain for the assistance due to Portugal from her ally. The British Government warned Spain that any attack upon the dominions of an ally would be accepted as a declaration of war. Rochford bluntly told the Spanish *chargé d'affaires* that he knew Spain wished to conquer Brazil, but England would not permit it.[3] As a matter of fact Choiseul had prepared an expedition against Brazil in October 1762, instructing the admiral to capture Rio de Janeiro at all costs.[4] Béliardi, in discussing with him the advantages of a war with Portugal, urged the necessity of first conquering Brazil, lest the King of Portugal should take refuge there and presently make himself master of South America and hand over its trade to the English. Choiseul remarked that he thought the Portuguese were more ready to march to Madrid than the Spaniards to Lisbon.[5] Taken in conjunction with Choiseul's plan of campaign outlined in the previous year, one may suppose that these incidents were intended as a combination of moves in the tentative opening of a game which could be pressed or abandoned according to the energy or weakness displayed by the British ministry, or the success or failure of the dockyard plot intended to paralyse the British Navy.[6]

Grenville was less successful in his attempt to secure the payment

[1] Coxe, III, 297.

[2] *Grenville Papers*, II, 409–12; Rochford to Halifax, quoted by Coxe, III, 299 seqq.; Renaut, F., *Le Pacte de Famille*, etc.

[3] Coxe, III, 306; Aff. Étr. Espagne, DLXXIV, 14 Nov. 1774.

[4] Arch. Nat. Minute of letter by Choiseul, 19 Oct. 1762.

[5] Bibl. Nat. MSS Français, 10 FFO (4), pp. 106–17.

[6] Cf. Rochford to Halifax, 12 Nov. 1764; Coxe, III, 306.

of the Manila ransom. When the capital of the Philippine Islands had surrendered to Colonel Draper, the archbishop-governor purchased the exemption of private property from plunder by a payment of two million dollars in cash and of two more in bills drawn upon the Spanish Treasury. These bills Spanish ministers flatly refused to honour. The archbishop, Grimaldi declared, might as well have agreed to deliver up the city of Madrid. In subsequent negotiations it was urged that the agreement had been extorted by force, and broken by some looting previous to the capitulation.[1]

The circumstances which led to Grenville's imposition of the Stamp Act were in large measure due to our rivalry with France and Spain in the colonial sphere. For the burden of the British taxpayer, which it was meant to relieve, had been incurred by the previous war, and the maintenance of a standing army, towards which it was intended that the colonies should thereby contribute, was rendered necessary by the hostility of France. That hostility was traced in the intrigues of Choiseul's agents with the Indians, whose murderous rising in 1763–4 was partly due to their influence.[2] It was generally believed, too, that France would soon endeavour to regain Canada, and would be aided by her former subjects. The possessions in the West Indies, which Bute had allowed her to retain in spite of Chatham's warnings, rendered the American colonies strategically of vital importance both for defence and attack. This is not mere theorising, for Choiseul explained to Louis in 1769 how Martinique and Guadeloupe had been prepared as bases of supplies and operations. It would have been plainly unwise, then, not to keep British troops in readiness in the continental colonies, and to rely for protection upon the hazardous arrival of transports from England. Resistance to the Stamp Act was fomented by Choiseul's agents in America, and the spirit of rebellion largely kept alive by them after its repeal by the Rockingham ministry. The successful issue of the revolt of the American colonies was rendered possible, first by supplies of money and munitions from France and Spain, and finally by naval and military aid without which it must have collapsed.

Pitt's resignation in 1761 had been hailed in France as equivalent to two victories.[3] His return to power in 1766 had an equal and opposite effect. "Their panic", Horace Walpole observed, "at the mention of Mr Pitt's name is not to be described."[4] Choiseul, after repairing the losses of the navy and reforming the army, had now resumed the direction of the Ministry of Foreign Affairs. The two protagonists of French and British imperialism were soon at grips. Pitt, who now took the title of the Earl of Chatham, was under no illusion as to the enmity of the House of Bourbon and the ambitious

[1] Coxe, III, 272, 307; Lord Mahon, *Hist. of Eng.* V, 57; *Annual Register*, Statement by Sir W. Draper.

[2] *Vide supra*, p. 637.

[3] Diderot, *Correspondance*, II, 80.

[4] Walpole to Sir H. Mann, 23 July 1766; cf. Macaulay, *Essay on Chatham*.

schemes of Choiseul and Grimaldi. "France", he wrote, "is still the object of my mind." Her preparations for a coming war were sufficiently evident and alarming. On quitting office Chatham had left a Navy superior to the united fleets of France and Spain, the standard he laid down as necessary. On resuming it, he found that Great Britain had sixty-two ships as against eighty-three of the Bourbon allies, who had eighteen more upon the stocks. He at once took measures for improving the *personnel* of the Army and Navy, and increasing the number of ships of the line. With his unerring strategic foresight he decided to maintain a British garrison in the Falkland Islands (August 1766); Pensacola, the port in Florida, he ordered to be fortified as a base of operations against France and Spain.[1] The question of reinforcing the Mediterranean fleet in view of French designs upon Corsica was also considered. Corsica in French hands would be a threat to the British possession of Minorca and affect the balance of power in the Mediterranean.

To parry the hostile intentions of France and Spain, Chatham now endeavoured to bring into being a scheme which he had long contemplated. This was the formation of a great Northern Alliance, which should unite Russia, Prussia, Denmark, Sweden and the United Provinces in a defensive confederacy against the House of Bourbon. But foreign governments were adversely affected by the frequent changes of ministry in England. Chatham's popularity was temporarily diminished by his acceptance of a peerage, and Frederick of Prussia was still sore at having been left in the lurch at the Peace of Paris. For these and other reasons the scheme failed.[2]

In the meantime Chatham instructed Lord Shelburne, the Secretary of State, to insist upon an immediate settlement of the outstanding claims against France and Spain, which his predecessors had failed to secure. He was well aware that the claims and delays of the Spaniards were inspired by the French minister. Spain was still refusing to pay the Manila ransom; she was still claiming a monopoly of the South Seas, and objecting to the right of British ships to sail in the Pacific. Rockingham in the previous June had offered to renounce the Manila claim in return for the concession of the right bank of the Mississippi, but this had been rejected on the ground that it was "the key to Mexico".[3]

Shelburne was a statesman of broad mind and liberal views often far in advance of his era. He set his heart upon conciliating the American colonies. Misunderstood and mistrusted by his contemporaries, with whom his manner rendered him intensely unpopular, he has been described by Disraeli as one of the suppressed characters of English history. The loyal and intimate friend of

[1] P.R.O., Chatham MSS, 79, 85, etc.

[2] *Chatham Correspondence*, III, 82–7; *Œuvres de Frédéric*, VI, 11, 33, 128; Winstanley, D., *Chatham and the Whig Opposition*, pp. 39, 55.

[3] Aff. Étr. Angl., Durand to Choiseul.

Chatham, his conduct of foreign affairs shows him to have been his able and devoted disciple. In pursuance of Chatham's instructions, he now began to press Prince de Masserano for the payment of the Manila ransom. He took the opportunity to add that "if the Spaniards in talking of their possessions included the American and South Seas, and our navigating there gave occasion to them to suspect a war, he had no hesitation to say that he would advise one, if they insisted on renewing such a vague and strange pretension long since worn out" (22 Aug. 1766).[1] Thus the claim of the Spaniards to include the South Seas in their colonial Empire was definitely opposed.

M. de Guerchy, the French ambassador in London, received a similar intimation from Shelburne that the time had come to put an end to delay in fulfilling the stipulations of the peace, including the demolition of the seaward fortifications of Dunkirk.[2] Choiseul took alarm. The financial condition of France and the domestic troubles of Spain, occasioned by the expulsion of the Jesuits and the reforms of Squillaci, rendered overt action at present out of the question, although at this time Shelburne makes mention of a plot to seize Gibraltar.[3] Guerchy was, therefore, instructed to gain time by giving assurances of the ardent desire of the French King for peace. For Choiseul's policy was now to delay the settlement of outstanding questions with Great Britain and to *ménager les esprits en Angleterre* until the Bourbon allies should be strong enough to challenge a rupture. In a letter to Merci, dated 22 December 1766, which came to the knowledge of British ministers,[4] he congratulated himself that he had persuaded Spain to fall in with his plans. He believed that by the year 1770—the date is memorable—France would be in the desired position, with the finest army, a respectable navy, and money in the Treasury. His chief fear was that Chatham might precipitate matters and endeavour to retrieve failing popularity by plunging into another great and popular war with the House of Bourbon.[5]

Influenced by these ideas Choiseul busily conducted negotiations on behalf of Spain. By November they had reached a point at which Chatham deemed it necessary to interview the French and Spanish ambassadors himself. When Guerchy assured him (20 November 1766) that the Family Compact desired peace, he demanded why, in that case, France did not induce her partner to honour her obligations, and to withdraw her objections to the British right of sailing in the South Seas. "England", he declared, "would sooner consent to give up the Tower of London than abandon that right." In a subsequent interview (23 November), when he had learned that Choiseul was suggesting that, if Great Britain would abandon the idea of settling the Falkland Islands, the Manila ransom might be paid

[1] Fitzmaurice, I, 287.
[2] Koch et Schöll, *Traités*, I, 315.
[3] Shelburne to De Visme, 20 Dec. 1766; Fitzmaurice, I, 285.
[4] Lord Rochford to Lord Shelburne, see Fitzmaurice, I, 286.
[5] Choiseul to Guerchy, 11 Aug. 1766, etc., quoted by Fitzmaurice, I, 282, 283, 288.

subject to the arbitration of France as to the amount, he plainly declared that he regarded all idea of accommodation by France as *absolument évanouie*. But he made it clear to both parties that, if the Manila ransom were paid and the claim of England to sail the Southern Seas were admitted, he was prepared to desist from settling on the Falkland Islands.[1] Circumstances, however, combined to enable the Bourbon Powers to continue their policy of delay until the chosen moment came.[2]

The illness of Chatham and his consequent withdrawal from public affairs left the stage vacant for the brilliant and irresponsible genius of Charles Townshend. Changes in the Cabinet, including the partial eclipse of Lord Shelburne, now marked the preponderance of the Bedford party. Their ascendancy was interpreted abroad as indicating a policy of peace with France and Spain and of vigorous action against the colonies. With Chatham out of action and the colonies exasperated by the new import duties, the moment had come for Choiseul to move. He could not flatter himself that the time was ripe for a rupture with Great Britain. But he still clearly foresaw and prepared for that eventuality, and made haste to fish in troubled waters and to keep them stirred. He sent French agents in disguise to North America to foment disaffection amongst the colonists, and to prepare schemes for helping them when the rebellion should break out which he plainly foretold. He carefully scanned the American newspapers, the resolutions of Assemblies and even the sermons of Puritan clergy. He learned with satisfaction that the English had no cavalry and barely ten thousand infantry in America. Meanwhile plans were again being prepared for the invasion of England, and French spies were again surveying the English coast. Their instructions as well as their minute reports presently found their way into Chatham's hands (1767–8).[3] Confident that Great Britain had her hands full and that the Bedford party were for peace at any price, and praying with Grimaldi that the divisions among the Whigs and anarchy in England might last for ever, Choiseul turned his attention to the aggrandisement of France in the south of Europe.[4] Whilst he redoubled his assurances of friendship to Great Britain, he put a stop to naval preparations in the dockyards and arsenals of France, hoping thereby to strengthen the tottering finances of the kingdom. Then, availing himself of the action of the Pope upon the expulsion of the Jesuits, he seized Avignon and the Comtat Venaissin. Next, he turned his attention to Corsica.

Taking advantage of the weakness and dissensions of the British

[1] Fitzmaurice, I, 290–3; Lansdowne House MSS, vol. 30 (Shelburne to Rochford, 29 Nov., 12 Dec. 1766) and Aff. Étr. Angl. 471, Corr. Pol. CDLXXI.

[2] Grimaldi to Masserano, 23 March 1767; Rochford to Shelburne, 7 March 1767.

[3] Quoted by Lord Mahon, *Hist. Eng.* Appendix, vol. V; cf. Chatham MSS, 86; Morison, M. C., *Trans. R. Hist. Soc.* 3rd Ser. IV, 82–115; and Bancroft, G., *Hist. U.S.* III, 100–200.

[4] Fitzmaurice, I, 320–33, 361; Durand to Choiseul, *ap.* Bancroft, VI, 31.

Cabinet, now nominally led by the Duke of Grafton, he landed an army and overwhelmed the islanders. It had been open to Great Britain to declare that the occupation of Corsica by France would be regarded as a *casus belli*.[1] Chatham would certainly have done so, and a timely movement of the British fleet in the Mediterranean would doubtless have secured the independence of the island. But opinion in England was divided. Many felt a generous sympathy for a nation gallantly struggling for freedom. Many, like Burke, dreaded the effect of a French occupation upon the maritime position of Great Britain in the Mediterranean. "Corsica a French province is terrible to me", he declared.[2] Others agreed with Dr Johnson that England should mind her own affairs, and leave the Corsicans to mind theirs.[3] This division of opinion was reflected in the Cabinet, where Lord Weymouth and the Bedford party were strictly pacificist and held the view expressed by Dr Johnson. Shelburne, the Duke of Grafton and others of the school of Chatham, on the other hand, were for making a firm diplomatic stand. They believed that any weakness on the part of Great Britain would encourage France and Spain to make further aggressions—a view shared by Frederick the Great[4]—and that at the present juncture they were financially incapable of waging war. The annual accounts of France showed a deficit of thirty million *livres*, and war, it was realised, would mean national bankruptcy. The bellicose attitude of Choiseul was therefore rendering his political position somewhat precarious.[5]

Though the British Government finally acquiesced in the annexation of Corsica by France, the incident fanned the flames of popular dislike for that country. It was hinted by Burke that Shelburne was forced to resign on account of the warmth of his remonstrances, but this would seem to have been incorrect.[6] The fears of Burke and Shelburne were destined to be confirmed in a curious way, and to make the acquisition of this new colony by France an event of paramount importance in the history of the world. For it happened just in time for Napoleon Buonaparte to be born a French subject.

The annexation of Corsica (15 September 1770) was a step towards the assertion of French supremacy in the Mediterranean, which, as we have seen, formed one part of Choiseul's grandiose scheme. Another move in the same direction was the extension into Egypt of French trade and influence, already predominant in the Levant. This penetration was ardently encouraged by Choiseul, who thus anticipated, and probably inspired, the policy and campaigns of Napoleon.

The next move was on the part of Spain. As the date approached

[1] Lans. Ho. MSS, quoted by Fitzmaurice, I, 362. [2] Cavendish, *Debates*, I, 40.
[3] Boswell, *Life of Johnson* (ed. Birkbeck Hill), II, 22.
[4] Frederick II to Comte de Maltzan, 7 June 1768.
[5] Rochford to Shelburne, 6 June and 4 July 1768.
[6] Burke, *Thoughts on the present discontents*; Mahon, V, 203; Fitzmaurice, *Life of Shelburne*, I. 386.

to which Choiseul had looked forward, the weakness of the British Government became daily more evident. The affair of Wilkes and the Middlesex election was followed by the outbreak in America over the tea tax. Lord North had succeeded the Duke of Grafton. Relying upon the support of France, Spain took up the question of the Falkland Islands and acted there in a manner so high-handed that it had all the appearance of a manœuvre intended to force a war. The strategical value of these islands, and their fertility, had been recently insisted upon by Anson. He had not visited them in his voyage (1740–4), but reported enthusiastically upon them to the Admiralty. It was neither as a whaling station nor as a plantation that this archipelago was of importance. But by reason of its proximity to the Straits of Magellan, Buenos Aires and Brazil it offered strategical advantages of position as a naval base in case of war with Spain, and as a place of refreshment for ships sailing the South Seas and opening up the trade which the Spaniards so jealously guarded.

First sighted by John Davis in 1592 and probably by Sir Richard Hawkins in 1594, who named them "Hawkins' Maiden Land", the islands were afterwards called "Falkland Islands" by the English. The first recorded landing was made by Captain John Strong of the privateer *Farewell* in 1690. By the French, whose ships from St Malo visited them in the course of trading to South America, they were called "Îles Malouines".[1] No attempt to colonise them was made till after the publication of Anson's *Voyage* in 1748. A British expedition was then designed. In April 1749 the Duke of Bedford instructed the British ambassador at Madrid to explain that it was intended to send some sloops in order to make a full discovery of them, but not to settle there. Such a move, however, especially in the light of Anson's recently published praise of the islands as a fertile and strategic post, could only be regarded by Spain as a threatened invasion of the territorial integrity and commercial exclusiveness of her colonial Empire, which was a cardinal point in her national policy. The Spanish minister, therefore, firmly expressed his dissent.[2] The South Seas, declared General Wall, were the exclusive dominion of Spain. Any intrusion such as was contemplated would be regarded as an act of war. Without admitting the Spanish right, the British Government abandoned their scheme for the present. Soon after the Peace of Paris Choiseul despatched Monsieur de Bougainville to make a settlement there. Whilst he was establishing himself at Port St Louis on East Falkland (1764), Commodore Byron, as the result of Anson's recommendations, was secretly despatched by Lord Egmont, First Lord of the Admiralty, to survey the islands. He entered the harbour of West Falkland, named it Port Egmont (15 January 1765) and continued his voyage. His report being favourable,

[1] Brit. Mus., Harleian MSS, 5101; Sloane MSS, 86, 3295.
[2] Brit. Mus., Add. MSS, 35503, f. 188, etc.

Captain Macbride was sent out to take formal possession of the islands. A blockhouse was erected and a small British garrison established (January 1766), to support which another vessel was sent out with stores. In the same year, as the result of Spanish protests against the presence of the French, Choiseul handed over Port St Louis to the Spaniards, who renamed it Port Soledad (October 1766). They appear to have held it mainly with the idea of expansion in the direction of the Magellan Straits. The presence of the English on West Falkland was apparently not yet known to them. But the existence of an English settlement somewhere in the South Seas was vaguely rumoured. The Spanish Minister of Marine accordingly instructed Don Francisco Bucarelli, the Governor of Buenos Aires, to expel any such settlement, by force if necessary, when it should be located (February 1768).[1] In December 1769 a Spanish schooner, sent out to reconnoitre from Soledad, met H.M.S. *Tamar* (Captain Hunt) on a similar cruise from Port Egmont. Hunt ordered the Spaniard to return, and threatened to fire upon her if she continued to approach Port Egmont. The Spanish Governor of Soledad thereupon called upon the British to evacuate the island. Hunt returned the compliment, and asserted the British title by both discovery and settlement. On hearing of this incident, the Governor of Buenos Aires sent two ships with troops to Soledad, which put into Port Egmont for water (February 1770). Hunt then sailed for England, and on his arrival in June gave the British Government their first intimation of the Spanish protest. After Hunt had left, Bucarelli proceeded to put his instructions into execution. He sent from Buenos Aires an expeditionary force consisting of five frigates and sixteen hundred men to turn the British out of Port Egmont. Resistance to a force so overwhelming was out of the question. After a few shots had been fired, the British garrison capitulated (10 June 1770).[2] The Spanish commander then removed the rudder of H.M. sloop-of-war *Favourite*. He thus made certain that the news of the affair should reach Madrid before it could be known in London. It was announced to the British ministers in London in a somewhat truculent tone by the Spanish ambassador, Prince de Masserano.

The news of this insult to the British flag aroused intense indignation in England.[3] Instructions were at once sent to James Harris, afterwards Earl of Malmesbury, who was acting as *chargé d'affaires* at Madrid, to demand in peremptory terms the restitution of the Falkland Islands and the disavowal of Bucarelli's action. A fleet was assembled at Spithead.[4] Harris formed a very clear idea of the man he had to deal with. He saw in Grimaldi a statesman of no very

[1] Angelis, Pedro de, *Memoria Historica*, pp. 19–27.
[2] *Ibid.*; Harris, J., *Diaries, etc.*
[3] Duke of Grafton, *Autobiography*, 1, 254.
[4] *Cal. Home Office Papers*, nos. 63, 64, 104–6.

extraordinary talents, but dexterous in chicanery, whose principle was "never to do but what he is obliged to conform to, and not even then till he has had recourse to every kind of subterfuge".[1] With such a minister it was necessary to act with great firmness and accordingly, on 28 September, Harris told him that the only way of preventing the most fatal consequences was to accept the British demands. Grimaldi replied that Spain had so little to gain and so much to lose by war, that nothing but the last necessity would drive her to it. But whilst denying that Bucarelli had received any particular instructions to dispossess the English, he admitted that he had acted agreeably to his general instructions. He presently accepted the British proposals, but Masserano was instructed to negotiate about the terms.[2] Harris on the same day assured Lord Weymouth that there was not the least reason to doubt the sincere desire of the Spaniards for peace, "as well from their inability to support a war, as from the dread they have of its consequences". The Spanish Government, he represented, were afraid of a popular rising if the troops were removed. The army was ill-equipped and ill-disciplined. The navy, though improved by the Frenchman Gaultier, was discontented and lacked seamen, and the financial position was never worse.[3] But if these were the views of the King and several of his ministers, there was nevertheless a strong war party among Spanish statesmen, who shared the designs of Choiseul and were eager to attack Great Britain. Among these were Conde d'Aranda and General O'Reilly. This party gradually gained the ascendancy.

The pride and obstinacy of Charles III were roused by British insistence that he should own himself in the wrong and throw over his governor. In the meantime Grimaldi had been seeking support from France. He reminded the Spanish ambassador in Paris of a plan concerted with Choiseul in 1766 for concentrating a force at San Domingo, and proposed that Jamaica should now be seized by a *coup de main* (10 September 1770). The French replies, however, were highly discouraging. Choiseul said he could do nothing. He urged Grimaldi to gain time, even if he secretly did intend to make war, for France needed at least three months for the return of her trade fleets and sailors employed in the Newfoundland fishery.[4]

The course pursued by Choiseul is exceedingly difficult to understand. His correspondence shows that when Grimaldi was at first apologetic, and Spain, as Harris said, obviously afraid of war, he denounced him as too timid. When, later, the insistence of Great Britain began to rouse the temper of Charles, and Grimaldi himself became infected with the war spirit of Aranda, Choiseul rebuked his tone as too military. At the beginning of the incident he had shown

[1] Harris, *Diaries, etc.*
[2] *Ibid.* I, 63 seqq.; *Cal. H.O. Pap.* nos. 242, 390, 391, 485, 492.
[3] Harris, *Diaries*, I, 63 seqq.
[4] Aff. Étr. Esp. DLX, DLXI.

that he was ready to make trouble by raising questions about the French right of fishing at Newfoundland, and the action of the British in India, who had stopped an attempt to fortify Chandernagore in contravention of the Treaty of Paris. On 7 July he had written to the French ambassador at Madrid that he had instructed the ambassador in England to present a memorial on the Chandernagore affair, demanding reparation for the insult to the French flag.[1] If satisfaction were refused, France would know how to obtain it. He enquired what Spain was going to do. Charles III and Grimaldi, came the reply, were infinitely anxious for peace, because Spain needed at least two more years before she could be in a position to go to war. But now, when the Spaniards were making active naval and military preparations and the danger of a rupture increased, he expressed his dread of it, and even went so far as to suggest to Masserano that he should throw over his instructions from Madrid and act under his own pacific directions.[2] Was he playing a double game, as has been alleged, and, whilst ostensibly striving for peace, secretly stimulating the obstinacy of Charles through the agency of the Marquis d'Ossun? Most probably he was shaken by his information of the unpreparedness of Spain, or by the sudden realisation of the strength of the opposition to himself in France. Although Grimaldi had not received the encouragement he had expected from France, the issue long hung in the balance. He continued to make offers of reparation while haggling over the terms. Much play was made over the insult offered to Spain by Captain Hunt in threatening to fire upon the Spanish schooner.

When Parliament met (13 November 1770), the Government prided itself on the firmness with which it had handled the situation. Chatham, however, who had recovered his health, and the Opposition poured scorn upon its vacillation and pusillanimity. Lord Weymouth resigned in December, in response to this clamour, and was succeeded by Lord Rochford. It is to be remembered that ministers were secretive as to what was happening. Chatham was indignant with their "little policy of concealments", and denounced our utter unreadiness for the war which on both sides of the Channel was now deemed to be inevitable. Ministers hardly made a pretence of answering his questions, and he complained that his eloquence fell dead against the faded hangings on which Flemish art had portrayed the defeat of the Armada—that tapestry which, "mute as Ministers, still told more than all the Cabinet on the subject of Spain, and the manner of treating with a haughty and insidious power".[3] The French envoy hastened to assure Choiseul that Chatham was correct

[1] It was presented 26 Sept. 1770; see Col. St Paul of Ewart, *Correspondence* (ed. G. G. Butler), II, 98 seqq.

[2] Aff. Étr. Esp. DLXI, 14 Dec. 1770; Carré, H., *Le règne de Louis XV*, pp. 388–90.

[3] Chatham, *Speeches*, Nov. 1770–Feb. 1771; Johnson, *Falkland's Islands*; Rochford, *Correspondence*; Williams, B., *Life of Chatham*; Trevelyan, G. O., *Life of C. J. Fox*, p. 327.

in saying that Great Britain had only twelve ships of the line ready for sea, and urged him on that account to maintain a firm attitude.[1] For by the end of November the situation had hardened. Spanish pride was roused; Charles stiffened; Grimaldi predicted a riot. The crisis was suddenly and dramatically resolved by the fall of Choiseul.

At last it had seemed certain that Spain was committed to war, and that the moment for which he had so long been scheming was at hand. He announced to Louis and his Council the preparations he was making for war with Great Britain. This was the occasion for which his rivals, Maupeou and Terray, had been waiting. He had made matters easier for his enemies by provoking the hostility of the King's new and low-born mistress, Madame du Barry. On 6 December Terray declared that the Treasury was empty and that French credit did not exist. Choiseul's restless intrigues against England were denounced to the King, and his insensate thirst for war, at a time when war meant financial ruin, and when by his foreign policy France was placed in a very unfavourable position upon the European chessboard. The whole affair of the Falkland Islands was said to have originated with him, and to have been encouraged by his unauthorised promises to Spain. Louis took alarm. On the 21st he insisted that the King of Spain should be urged to do his utmost to maintain peace and submit to the British terms. "My Minister wishes for war", he wrote to Charles, "but I do not."[2] On 24 December Choiseul was dismissed. Spain and Great Britain remained on the brink of war. The Spanish court had already decided to refuse the British demands.[3] In answer to the high language held by Masserano in London, Lord North despatched a courier (18 January 1771) to recall Harris from Madrid. Harris quitted the capital, but he had not gone twenty leagues before he was met by a second courier, sent off by Rochford four days later, who informed him that Spain had conceded all the British demands.[4] The expedition of Bucarelli was disavowed. The British garrison was restored to Port Egmont. The King of Spain did not, however, withdraw his claim to the territory in question. The terms of the convention were bitterly attacked by Chatham and the Opposition.[5] Furious at being foiled in their appeal to the country for increased naval power and territorial and commercial expansion, and aided by the invective of Junius, they pointed out that the demand for the Manila ransom had been dropped, and that the reservation of the Spanish claim to the Falkland Islands was unnecessary and unprecedented. It was moreover alleged that by a secret article or verbal assurance the Government had pledged themselves either to a speedy withdrawal or to a surrender of the

[1] Aff. Étr. Angl., Corr. Pol. CDXCIV.
[2] Duc de Broglie, *The King's Secret*, II; Rochford, *Correspondence*.
[3] Grafton, *Autobiography*, I, 255; cf. Aff. Étr. Esp. DLXII; Angl. CDXCV.
[4] Harris, *Diaries*, I, 73; *Cal. H.O. Pap.* nos. 390, 391, 485, 492.
[5] *L.J.*; *Parl. Hist.* XVIII, 167–8; *Chatham Corr.* IV, 71–2.

islands to the Spaniards. The despatches of Harris make it plain that there was no such article, and that the restitution was demanded and conceded by Spain without reserve. The existence of any such agreement "made directly or indirectly by H.M. Ministers", was flatly and indignantly denied by Rochford when the point was raised by M. d'Aiguillon on behalf of Spain in December 1771, and November 1773. M. de Guisnes, however, the French ambassador, asserted that some such solution was spoken of by English ministers, though without Rochford's knowledge. This may have been the origin of the rumour, or possibly it was circulated by Grimaldi, to lessen the loss of his personal credit in France, to foil the attacks made upon him by Aranda and his faction for his feeble handling of the affair, and to be used in the future.[1]

Whatever the truth of the rumour, Port Egmont was certainly abandoned by the British shortly afterwards (1774). But the flag was left flying and sheets of lead were affixed to the rocks on which was engraved the declaration of the sole right and property of the Crown of Great Britain to the Falkland Islands. It had, no doubt, been found that Anson had much exaggerated the fertility of the soil, which is for the most part only suitable for sheep-farming. The strategical value of the islands has been fully demonstrated of recent years.

The fall of Choiseul, according to the considered opinion of Lord Shelburne, came in the nick of time to save Great Britain, distracted by American affairs, from the attack of a hostile combination. He had proofs he said, speaking six years later, that Gibraltar, Minorca, Jamaica, and the greater part of our possessions in the East and West Indies would have been among the first sacrifices that would have befallen us, but for that "miraculous interposition of Providence".[2] The Falkland affair had some important results. On the one hand, it compelled a strengthening of British naval forces and was the occasion of Nelson's entering the Navy. On the other hand, it removed the most determined enemy of Great Britain from power, and it demonstrated the weakness of France and the lack of co-ordination between the members of the Family Compact.[3]

Thus was war, arising from French and Spanish rivalry in the colonial sphere, narrowly averted for the time being. France, under the guidance of Madame du Barry and the Triumvirate, Maupeou, Terray and Aiguillon, passed for the next few years into eclipse. The only official incidents worth mentioning in this period were the surreptitious strengthening of Dunkirk and the trespass of some

[1] Harris, *Diaries*, I, 77, 78; Williams, *Life of Chatham*, II, 272; St Paul of Ewart, *Correspondence*, I, 276–91, II, 75, 129, 133, 134; Down, W. C., "The Falkland Islands Dispute", an unpublished thesis in the University Library, Cambridge.

[2] *Parl. Hist.* XVIII, 675.

[3] Cf. Hertz, G. B., *British Imperialism in the eighteenth century*, pp. 110–53, and Winstanley, D., *Chatham and the Whig Opposition*, pp. 391–6, 408–13; Goebel, J., *The Struggle for the Falkland Islands*.

French traders in Senegal. The latter encroachment was regarded in England as the beginning of a sinister attempt to "worm us out of the most beneficial part of that trade". It was disavowed by M. de Boynes, Minister of Marine, 13 June 1773.[1] But the whole question as to what was meant in the Treaty of Paris by the cession of the River of Senegal "with all its rights and dependencies", was raised again in 1774 and 1775, by the action of French traders and the claims of the French Governor of Goree on their behalf. Firm instructions, backed by a couple of frigates, were sent to Governor O'Hara to enforce British claims (April 1776).[2] In this Aiguillon acquiesced. Mention should perhaps be made of the extraordinary "unofficial" memorial presented by him on India. Lord Rochford returned it with the comment that if it had been "ministerial", it must have been regarded as a prelude to war.[3] For the rest, the French minister was continually reproached by Spain for his lack of hostility to Great Britain.[4] Expeditions to make settlements on the Niger and in Formosa were also taken in hand by the French (1772, 1773).[5]

In Spain, the position of Grimaldi, shaken by the fall of Choiseul, was further weakened by the disastrous defeat of an expedition against Algiers planned by him (June 1775).[6] This circumstance, combined with the forbearance of the British Government, whose hands were full with American affairs, led to the speedy settlement of an incident in the West Indies, where a landing from an English vessel on Crab Island, to which both Spain and Great Britain laid claim, created a situation which might otherwise have assumed a more threatening aspect.[7] About the same time, a lively discussion raised by Spain over the concession of the island of Balambangan in the Philippine group to the East India Company ended in the acknowledgment of the British claim, whilst Spanish influence over Sulu and the neighbouring island was recognised (August 1775).[8]

After the death of Louis XV, the ideas of Choiseul began once more to dominate French policy. They found an able exponent in the clear-sighted and vigorous Minister for Foreign Affairs, the Comte de Vergennes. The revolt of the Thirteen American Colonies gave France the opportunity for which she had so long been waiting. Chatham, in a famous speech (20 January 1775), described France as a "vulture hovering over the British Empire, and hungrily watching the prey that she is only waiting for the right moment to pounce upon". His prophecy that a prolonged struggle with America would lead to the intervention of France and Spain was repeated in the

[1] St Paul of Ewart, *Correspondence*, I, lxxvii, lxxx, 208–20.
[2] *Ibid.* II, 53 seqq.; *vide supra*, p. 455.
[3] *Ibid.* I, 29–37.
[4] *Ibid.* I, xxxvii, 276.
[5] *Ibid.* I, 72, 294.
[6] Coxe, *Memoirs of the Bourbon Kings of Spain*, III, 376–8; St Paul of Ewart, *Correspondence*, II, 216–21.
[7] Coxe, III, 380; *Cal. St. Pap. Col.* 1699, nos. 766, 907.
[8] Renaut, F., *Le Pacte de Famille*, p. 215.

following year by Colonel Barré and Charles Fox to an incredulous House of Commons. One of the arguments adduced in the House in favour of repealing the Stamp Act had been that if it were persisted in, America might place herself under the protection of France and Spain. These might, indeed, at first sight well be deemed strange allies. But the colonists had long enjoyed a brisk inter-colonial trade with them, a trade forbidden, indeed, but engaged in by all the Powers alike, and rendered, financially and commercially, a necessity to the colonies, by the very treaties and Acts of Trade and Navigation which forbade it. The rigid enforcement of these Acts had brought vividly home to the Americans that their interests were closely bound up with those of the French and Spaniards. George Johnstone, Governor of West Florida, for instance, wrote to the Secretary of the Board of Trade that he despaired of seeing that settlement flourish unless Spanish commerce was permitted. He could not conceive why it had been stopped.[1] More recently the boycott of British goods by the colonists, following upon the imposition of the tea and other duties, had resulted in the diversion of a large amount of trade to France.[2] Commercial relations of this sort naturally drew the colonists closer to their erstwhile enemies, especially now that they were relieved from the danger of their immediate neighbourhood.

Relations with the representatives of the insurgent colonists appear to have been first established in England by Caron de Beaumarchais. Son of a clockmaker of Paris, known at that time chiefly for the romantic incidents of his youth and his trial before the Maurepas *Parlement*, remembered now almost wholly as the witty author of *The Marriage of Figaro* and *The Barber of Seville*, Beaumarchais himself attached most importance to his career as a busy agent in the underworld of politics. As such, he had been sent to England by Vergennes to procure the suppression of a pamphlet directed against Marie Antoinette, which had been printed in London. Here he came into touch with the notorious Chevalier d'Éon, and succeeded in purchasing from him the State papers and plans for an invasion of England which he had secreted since 1763. Here, too, at the house of Wilkes, he met Arthur Lee, a young Virginian student of law.[3] This was towards the end of 1775.

In America, John Adams, at the head of the New England party, had already urged that the revolutionary leaders should enter into negotiations with France and Spain. In November a Committee of Secret Correspondence "with the friends of America" was appointed. Congress was in urgent need of money, arms and clothing for the army. In the following spring Silas Deane was sent to Paris as

[1] *Hist. MSS Comm., Report XIV*, App. x (*American Papers*).
[2] See Benjamin Franklin to Cushing, 5 Jan. 1773.
[3] Broglie, II, 500 seqq.; Loménie, L. de, *Beaumarchais et son temps*, II, 113; Vergennes, *Correspondance*.

Commercial Commissioner and Agent for the Thirteen United Colonies. His instructions, dated 3 March 1776, directed him to acquaint Vergennes that, in the probable event of separation from Great Britain, France would be the Power whose friendship they would most desire. It had been hinted by Rochford to M. de Guisnes in July 1774 that many people in England felt that a war with France might prove the solution of the American problem. The colonists, it was thought, might then settle their quarrel with the mother country, from fear that France might recover Canada. Guisnes informed Vergennes, and a message was conveyed to the Americans, assuring them that France sympathised with them in their struggle, and that, for herself, she had no desire to regain Canada. The mission of Deane was in some sort a reply.

When he arrived in Paris (July 1776) the policy of France had already been determined. At the beginning of the year, Vergennes had presented a memorial to the King, in which he urged that it was the interest of France and Spain to seize the opportunity marked out for them by Providence for the humiliation of England and to strike decisive blows at a chosen moment. He argued that, if Britain effected a reconciliation with her colonies, she would probably utilise the forces she had concentrated in America to seize the French and Spanish possessions in the West Indies. Or again, if the colonies achieved their independence, Britain might endeavour to compensate herself for her loss by taking the West Indian islands belonging to France and Spain. The military and financial position, however, was not sufficiently good to tempt the Bourbon Kings to adopt so bold a policy.

Vergennes, therefore, submitted an alternative proposal to the King and his Council. Since the exhaustion produced by the civil war must be infinitely advantageous to France and Spain, that war must be encouraged by secretly assisting the Americans whilst "dexterously tranquillising" the English ministry by professions of friendship. The insurgents must be supplied with the money and military stores without which they could not continue their resistance. France in the meantime must strengthen her navy and prepare for intervention should occasion arise. Louis referred this proposal to Turgot, the Comptroller-General of Finance, in April 1776. He answered in a remarkable memoir, forecasting the probable economic effect of the independence of the British colonies. As for France, he insisted that nothing but prolonged peace and economy could prevent a financial breakdown. To that end she must avoid any course which might lead to war, though ministers might perhaps be excused if they shut their eyes to either of the contending parties making purchases in French harbours.[1] Maurepas and Malesherbes agreed. But Malesherbes shortly afterwards retired and Turgot was dismissed. The policy of Vergennes triumphed. Under Sartines at the Ministry of Marine

[1] Turgot, A., *Réflexions rédigées à l'occasion* [*du mémoire de Vergennes*].

money was spent freely on naval preparations and the defence of the French colonies. Repeated assurances of strict neutrality were made to Great Britain, whilst means were devised for furnishing the Americans with supplies. Two months before the arrival of Deane, Vergennes obtained Louis' reluctant sanction to a loan in the form of a private transaction, which did not commit the Government. The agent selected for this purpose was Beaumarchais. In order to conceal this transaction against a Power to which he was daily pledging his honour that perfect neutrality was being observed, Vergennes employed his son, a lad of fifteen, to write to the author of *Figaro*.[1] When Deane arrived, therefore, he found that he was cast for the part of a merchant doing business with Beaumarchais under an assumed name. The Government had provided the latter with a million *livres* to found a commercial house and supply the Americans with the munitions of war vital to their cause. The public arsenals were placed at his disposal for the purchase of stores of war. Other commercial houses were similarly supplied with money for a similar purpose. Beaumarchais also obtained, on the recommendation of the French Government, another million *livres* from the Spanish Treasury.[2]

Deane, therefore, was soon able to ship large supplies of munitions.[3] Nor was this all. Restrictions upon trade were relaxed in favour of American vessels; American privateers were harboured and fitted out, and their prizes sold in French ports; the construction of ships of war for America was carried on under the superintendence of French naval officers. All this was done with the connivance of ministers. The protests of the English ambassador, Lord Stormont, were met with cynical denials of complicity and pretended efforts to prevent the exportation of stores. Vessels laden with arms were stopped and then allowed to escape. Officers who were making their way to America, with the aid of Deane, to fight against the hereditary enemy were formally recalled, but not obliged to return to their regiments. Some prizes brought into French ports were, indeed, restored to the English, but their captors were compensated for their loss. Some who had too openly broken the law were thrown into prison, but they were soon allowed to escape. One of Deane's achievements was to send over from France James Aitken, or "John the Painter" as he was called, a Scottish deserter from the British army in America, to set fire to Portsmouth and other dockyards. Aitken nearly succeeded, but was caught and hanged. The incident recalls the schemes of French and Spanish agents in 1764.

The prolonged successes of the British and the unsatisfactory state of the American army induced Congress to press more urgently for

[1] Flassan, VI, 143; *American Diplomatic Correspondence*, I, 272 seqq.; Loménie, *Beaumarchais*, II, 93 seqq.; Adolphus, J., *Hist. Eng.* II, 309, 429, 439.
[2] Vergennes to the King, 2 May 1776 (in Flassan, VII, 149).
[3] *Am. Dipl. Corr.* I, 131.

foreign aid. Immediately after the Declaration of Independence, therefore, Benjamin Franklin, the Philadelphia printer who had gained high repute for his scientific discoveries, and had already acted as agent for the colonies in England, was commissioned to join Silas Deane as a secret envoy to France.[1] After an adventurous voyage he reached Paris at the end of the year. He was there joined by Arthur Lee from London. The simplicity of their dress and manners, concealing an acute knowledge of men and affairs, the cause of liberty which they invoked, and their enmity to Great Britain caused them to be received with the utmost enthusiasm. But French opinion remained divided as to the advisability of intervention. The desire to tear up the Treaty of Paris and to recover lost possessions was national. But Louis XVI objected to the principle of helping rebels against a Crown, and shrank from the war with England which a recognition of their independence must involve. He was supported by Maurepas and Necker, for the finances of the State were still in a state of chaos. Marie Antoinette, on the contrary, with the Austrian party in France, ardently espoused the cause of American liberty which was one day to recoil upon her own fair head. The idea of liberty had been brought into fashion by the Encyclopaedists. Enthusiasts for religious liberty, like the followers of Voltaire, and enthusiasts for political liberty and equality, who had drunk deep of the heady wine of Rousseau, were eager to fight for a people struggling against an oppressor. Their generous ardour was not cooled by the reflection that the people in question, who had recently declared in such resounding terms that all men were endowed by the Creator with an inalienable right to freedom, were now offering to assist in placing Portugal and the West Indies under a foreign yoke in return for French and Spanish aid, or that their own plantations were cultivated by slaves. French officers, soldiers of fortune and amateurs of liberty, encouraged by the promises of Deane, crowded the ships that sailed for America, and even caused Washington some embarrassment by their very numbers and the high rank to which they were promoted in spite of their ignorance of the language in which they must address their troops.[2]

Though French intrigue, and subsequently French and Spanish arms, finally succeeded in defeating the British in the contest with the united colonies, it is remarkable that they did not succeed in recovering Canada, that rich jewel which had so recently been torn from the French Crown. The reason is doubtless to be found in the wise provisions of the famous Quebec Act (May 1774). The British Government eschewed the temptation to subject some 70,000 French Roman Catholics to the rule of a few hundred English Protestant settlers. It was thought "more humane" to allow the French to keep the old laws of the province, which they understood, even though in

[1] *Am. Dipl. Corr.* I, 233. [2] Washington, *Works*, IV, 146 (Oct. 1776).

civil cases that involved trial without jury, and not to force upon them the democratic system which obtained in New England. Religious liberty beyond the mere toleration which had been promised in the Capitulation was granted. Great indignation was caused by these measures among the Whigs at home and the Puritans of New England. Congress protested (September 1774) that this Act, "establishing despotic Government and the Popish religion", must be repealed. In effect it gave greater liberty, better administration and ampler prosperity than the ultra-military form of government which it supplanted. The result was that, when the Americans invaded Canada in 1775, the Canadians remained loyal to Great Britain. They had no sympathy with New England republicanism, the New England creed, or the New England character. The invasion of Canada under Montgomery and Benedict Arnold ended in complete failure.

Eager to wound, and yet afraid to strike, the French Government continued to supply the Americans with money and munitions, whilst Vergennes assured Lord Stormont of their peaceful intentions, as sincerely as Cardinal Fleury had been wont to make the same assurances to Lord Waldegrave, and Choiseul to Lord Shelburne. He added—and possibly with truth—that he was far from wishing for the independence of the colonies, because that would end in their not permitting any European Power to occupy a foot of land in America. Franklin was soon able to announce that large supplies of guns and other military stores were being shipped under convoy of a French man-of-war.[1] Means were also provided for supplying and refitting American cruisers in French ports. But the American commissioners were not content with such surreptitious aid. They urged the acknowledgment of the United States and the conclusion of treaties of commerce and alliance between the old Monarchy and the new Republic, offering in return to assist in the conquest of the British Sugar Islands. Nothing, it was felt, could save their cause at this critical juncture but foreign intervention. Foreign intervention, however, could not be vouchsafed until some striking military success had lessened the probability of the defeat or reconciliation of the colonies. In November Vergennes informed the commissioners that perhaps the King would lend Congress another million *livres* and try to persuade his brother of Spain to do the same. He might take off their hands the ship which they had ordered in Holland, but could not pay for or get safely to France. More than this they must not expect until the colonists had obtained some important victory.

The attitude of Spain was even less encouraging. Lee was sent thither to raise the wind and to tempt the Spaniards into the war by offering to assist them in obtaining Pensacola, and also in their war with Portugal. This war was already causing embarrassment to Great Britain as the ally of Portugal, and was accordingly encouraged by

[1] Franklin, B., Letter to Congress, 8 Dec. 1776.

the French. It was occasioned by the ill-defined boundaries of the South American colonies about the Rio Grande de San Pedro; by Spanish delays in fulfilling the treaty of 1763, by which the *status quo* of the Portuguese colonies in America was to be restored; and by the vicinity of the settlements of the two nations on the Rio de la Plata. Aggressions by the government of Buenos Aires answered and provoked aggressions by the government of the Brazils. Open hostilities were begun by the Portuguese on the Rio Grande. Both parties appealed to their allies, Spain to France, Portugal to Great Britain. But while negotiations were proceeding through them, an expedition sailed from Cadiz, which first seized the island of Sta Catherina on the coast of Brazil (February 1777) and then St Gabriel and the colony of Sacramento. These operations, being followed by the fall of Pombal on the death of Joseph I, King of Portugal, enabled Florida Blanca to negotiate the Treaty of San Ildefonso (1777).[1] By it the limits of Peru, Paraguay and Brazil were fixed. Spain not only gained Sacramento and great advantages for the military and commercial development of Buenos Aires, but also secured the valuable friendship of Portugal in the coming war with Great Britain. The Spanish court, however, was not as yet prepared for such a war, nor had it the least sympathy with republican ideas. It saw no attraction in fighting to establish a homogeneous, independent Power which would constitute a threat to Spanish possessions beyond the Mississippi. Nor was it obvious why a country which retained so large a colonial empire and was the chief exponent of that system of commercial monopoly, which the triumph of the United States seemed likely to break down, should encourage colonists to revolt. Lee, therefore, met with a cool reception in Spain, though he was granted a sum of money for the purchase of military stores which were shipped from Bilbao.[2]

General Burgoyne's early successes had filled the American envoys with anxiety almost amounting to despair. But on 1 December 1777 came the news of the capture of his army at Saratoga. It was, said Deane, like a cordial to the dying. That resounding success at once removed all hesitation at Versailles. On 17 December the American commissioners were officially informed that the King was prepared to recognise the independence of the United States and to enter into a treaty of commerce with them. If such recognition should involve war with Great Britain, no compensation would be asked. Any reaction in favour of the British which might have been aroused by fear of France regaining Canada was thereby avoided.

After seven weeks of negotiation a treaty of commerce was signed, 6 February 1778, and on the same day a treaty of alliance, the provisions of which were to come into force if, as was inevitable, Great

[1] Coxe, III, 381–95; Martens, *Recueil des traités*, I, 634; Silva, *Historia de Portugal*; Becatini, F., *Storia del regno di Carlo III*, p. 289; St Paul of Ewart, *Correspondence*, II, 330–97.
[2] Franklin, *Works*, VIII, 209; Lecky, *Hist. of Eng. in Eighteenth Century*, IV, 5.

Britain should break the peace. The latter treaty provided that any of the remaining British territories on the continent of America, of which the Americans should gain possession, should be retained by them, whilst France should keep any of the British islands in or near the Gulf of Mexico which she might conquer.[1] The treaties were kept secret for some weeks in the hope that Spain might join in them. But it was, indeed, wholly contrary to the wishes and counsels of Spain that France had committed herself and it was only in June of the following year that the naval and military position tempted her to declare war.

Lord Stormont had kept ministers well informed of what was happening. On 28 December 1777 he had announced secret comings and goings between Franklin, Deane and M. Gérard. "I have not a shadow of doubt", he wrote, "that this Court and that of Madrid are combined against us and have long been preparing for the execution of some invidious design. I look upon the assistance they give the rebels as but a small part of their plan.... Their naval force is already more than sufficient for every purpose of defence, and yet they are continually increasing it. Mr Necker's last *arrêt* expressly avows an intended augmentation.... Where the first blow will be aimed I cannot say, but am inclined to think it will be in the West Indies."[2] It was his view that French and Spanish support of the Americans was given in the hope of exhausting Great Britain and that they would be enabled to strike some sudden, unexpected blow at her colonial Empire. On the night of 6 February he wrote that the treaty "between this Court and the rebels was actually signed", though the fact was stoutly denied by both Maurepas and Vergennes. On 13 March, however, negotiations with Spain having failed, the Marquis de Noailles announced to Lord Weymouth the signature of the treaties, acknowledging the full independence of the United States and, with scarcely veiled insolence, inviting His Britannic Majesty to prevent their commerce with France from being interrupted. Stormont was promptly recalled from Paris, and the war began.

Steps were now taken in France to put into execution those plans for the invasion of England which, as we have seen, had been prepared on the morrow of the Peace of Paris.[3] The retirement of the Comte d'Estaing from Rhode Island, and his campaigns in the West Indies, seemed to show that the eyes of France were naturally directed towards those sugar islands which, if captured, were to remain hers. It was probably no part of her plan to bring the war to a conclusion before some such conquests had been made. Estaing's indiscreet appeal to the Canadians not "to bear the arms of parricides against their mother-country"[4] also heightened the suspicion of the Americans

[1] Flassan, VII, 149, 167; Martens, II, 701; Loménie, *Beaumarchais*, II, 158–60, 559–66.
[2] Mahon, Lord, *Hist. Engl.* VI, Appendix, p. xxi.
[3] Duc de Broglie, *The King's Secret*, II, 518.
[4] *Annual Register*, 1779, p. 355.

that France was preparing to disregard the terms of the treaty, and to recoup herself for the cost of the war by the recovery of Canada. Lafayette, indeed, proposed to Congress a second invasion of Canada in concert with France, and only a very outspoken protest from Washington secured the abandonment of the project (14 November 1778). If once the French regained possession of Canada, he argued, they could easily stay there, holding it as security for their large loans to the United States. Then, in control of Canada and the Newfoundland fishery in the north, with the Indians as their allies in the rear and the Spaniards in the south, and with control of the sea and the West Indies in the west, France would be able to dictate not only to the United States, but to the whole world. Such was the outcome of French and Spanish rivalry with Great Britain which Washington now saw reason to dread. Vergennes, however, was looking at the situation from a very different point of view. He had no desire to see a single, all-embracing United State of America, and instructed Gérard, the French minister in America, to discourage any attempt upon Canada. He informed the French ambassador at Madrid that he was willing to guarantee to Britain her dominion over Canada and Nova Scotia. His view was that, if Spain could be maintained in possession of Florida, then the American States would be kept in a condition of uneasiness by the proximity of foreign neighbours to the north and south, and would therefore place a higher value upon the continued friendship of France. It was not, he believed, to the interest of the French to destroy this *principe utile d'inquiétude* by seizing Canada.

As Stormont had foretold, then, and the action of Estaing proved, the immediate interest of the French lay in the West Indies, and in combining with Spain to destroy the naval supremacy of Great Britain.[1] They were not to have it all their own way. Though Dominica was captured by the Marquis de Bouillé, Governor of Martinique, Admiral Montague destroyed the French settlements on Miquelon and St Pierre, and St Lucia was taken by a campaign as brilliant as it was fortunate.

In India, as Clive had declared, the French had only suspended their views, not given them up.[2] Surreptitious aid was lent to the enemies of Great Britain. There had been an attempt, as we have seen, to fortify Chandernagore in defiance of the treaty. In 1773 schemes were discussed in Council for the formation of a new East India Company, and for an attack upon the British in Bengal in conjunction with the Mogul, as proposed by the Commandant of Chandernagore, or by putting into execution Choiseul's plan of concentrating an expeditionary force on the Île de Bourbon and Mauri-

[1] Bancroft, G., *Hist. U.S.*, trans. by Circourt (*De l'action commune de la France et de l'Amérique*), III, 259–312; Lecky, *Hist. Eng.* IV, 480 seqq.

[2] Speech before Select Committee, 1772.

tius.[1] Ever since 1777 a French agent and adventurer, M. de St Lubin, had been at Poona intriguing with the Maratha principalities. He had a clandestine commission from the Minister of Marine to negotiate the establishment of a factory at Poona, supported by military force, and the acquisition of a seaport near Bombay. The welcome he received alarmed the British. Warren Hastings, realising the danger of a combined attack from the Marathas and the French, determined to strike the first blow. He despatched a force under Colonel Leslie to march across India to the aid of a Pretender to the Peishwa-ship who was favoured by some of the Maratha nation. At this juncture (July) news arrived that war had been proclaimed in London and Paris. Hastings acted without a moment's delay. Chandernagore and the French factories at Masulipatam and Karikal were seized. With the aid of a naval squadron, siege was laid to Pondicherry, which surrendered after seventy days (17 October 1778). Fort Mahé, on the coast of Malabar, fell in the following March, and the French flag was swept out of India.[2]

On the high seas, when all the force of the increased French navy was added to the number of American privateers, heavy losses were expected in the mercantile marine. Evidence given in the House of Lords in February 1778 showed that 173 sail of American privateers had taken or destroyed 559 British ships by that date. Yet even now enterprise and good seamanship continued to bring safely into port large fleets of merchantmen from the Leeward Islands, Jamaica and the East Indies.[3] If the rate of insurance against capture rose higher and higher, British privateers were no less successful on both sides of the Atlantic. By the end of 1778, it has been stated, the Americans had lost no less than 900 vessels. And even as the day drew near when Great Britain was to be compelled to acknowledge that she had lost the thirteen colonies in America, daring navigators were discovering a new world for the expansion of the British race.[4] At the beginning of 1779, a French squadron captured the British forts and factories on the River Gambia and at Senegal. The British retaliated by seizing Goree, which the French had denuded of troops and guns in order to strengthen Senegal. But in Europe the outlook for Great Britain was becoming increasingly black. The entry of Spain into the war had been foreseen, but when it actually came it took the Cabinet by surprise, for they had been lulled into a false sense of security by Spanish diplomacy.[5] In Florida Blanca Charles III had chosen a successor to Grimaldi whose conciliatory manner cloaked a character of great energy and determination. Unceasingly he

[1] St Paul of Ewart, *Correspondence*, I, 55, 129 seqq., 287–99.

[2] Forrest, Sir G. W., *Administration of Warren Hastings*, pp. 146–7; *Selections from Bombay State Papers*, pp. 291, 296.

[3] Hildreth, R., *Hist. U.S.* III, 241; *New York Col. Docs.*; *Corr. of Geo. III* (ed. Fortescue), II, 275.

[4] *Vide supra*, chapter XVIII.

[5] *Correspondence of George III with Lord North*, II, 209, 243.

endeavoured to engage the King of Prussia and Catharine of Russia in co-operation against Great Britain. In conjunction with France he continued negotiations with Hyder Ali against the British power in the East. The alliance of the Emperor of Morocco was secured as a valuable aid in the projected attempt to recover Gibraltar. New war taxes were laid, and the alliance with Portugal was used in preparing for the event.[1]

In the meantime Charles made an offer of mediation to the British Government. The reply was inevitable that it was inconsistent with national honour to solicit the interference of a foreign Power till the views of France were known. Charles then proposed that each Government should transmit its conditions to Madrid, and offered to deduce therefrom a definite proposal for peace. Great Britain replied that, whilst reserving her right to treat with her own colonies without foreign intervention, she would concur in establishing harmony between the two Crowns whenever France would withdraw her assistance from the Americans. On the other hand, the French Crown explained that it could not desist from its engagements. It is evident from the tone and substance of these proposals that their acceptance was impossible and could not have been expected. They were merely intended to gain time, and to put the British off their guard whilst keeping the French satisfied. They served their purpose. By the spring of 1779 France had seventy-eight ships of the line, Spain over forty.[2] The situation seemed to justify the Spanish court in entering the war. Inspired by the motives outlined in the beginning of this chapter, and spurred more than ever by jealousy of Britain's empire of the seas, and irritation at her exercise of the right of search and contraband trade on the Spanish Main, Charles now threw off the mask of mediator. A convention was signed with France in which each party declared the advantages it wished to secure. No peace was to be concluded till Gibraltar was restored to Spain (April 1779).[3] On 3 April Charles issued an ultimatum calling for a general disarmament and a Peace Congress to be held at Madrid. A truce was to be granted to the American colonies through the mediation of His Catholic Majesty, and not to be broken without a year's notice. In the meantime they were to be treated as independent, and commissioners from America and Great Britain were to meet at Madrid. "Such a plan of peace", as British ministers observed, "seemed to proceed on every principle which had been disclaimed, and to contain every term which had been rejected." But before their final refusal reached Madrid, Charles had recalled his ambassador, and written a long and violent letter to Lord Weymouth, charging the British Government with having prolonged negotiations for eight months

[1] Florida Blanca, *Review and Apology of his Administration to Charles III*, 1788, quoted by Coxe, *Memoirs of the Bourbon Kings of Spain*, III, 394, 409.

[2] Lavisse, E., *Hist. de France*, IX, 63–5.

[3] Lecky, V, 6.

whilst continuing to search and plunder Spanish vessels and violate Spanish territory in Honduras Bay (16 June 1779).[1] This Spanish rescript and a similar manifesto of wrongs published by Beaumarchais in Paris were answered by Gibbon in his *Justifying Memorial*, after ministers had replied in Parliament. But the arbitrament had passed from the pen to the sword.

Before the home fleet could get ready for sea, the French slipped out of Brest and, joining the Spanish fleet, appeared in overwhelming force off Plymouth. Siege was at once laid to Gibraltar by land and sea. Spaniards from Louisiana crossed the Mississippi, and took possession of West Florida. The English logwood-cutters in the Bay of Honduras were once more attacked and expelled. But a British force despatched by the Governor of Jamaica took ample revenge by capturing the Fort of Omoa and rich booty in Spanish ships which had sought refuge there.[2] A raid on Jersey by the French was frustrated, but had a serious effect upon the American war, in that it delayed the sailing of an important convoy of stores and reinforcements for New York. In India Hyder Ali was desolating the Carnatic and menacing Madras. In the West Indies Estaing captured St Vincent and Grenada (June and July), but was defeated in an attack upon Savannah in the autumn. So far the part taken by France and Spain in the southern campaign in America had proved ineffective, and had failed to prevent General Clinton from re-establishing British supremacy in the southern colonies.

The following year saw Rodney's victory off Cape St Vincent and the relief of Gibraltar, but also the addition of Holland to the long list of Great Britain's enemies. France had for some time been putting pressure upon the Dutch to enter the war,[3] whilst Florida Blanca dangled before them the bait of succeeding to the commercial privileges hitherto enjoyed by the British in Spain.[4] Dutch merchants also began to look forward to a share in the future commerce of America. The country was divided between two parties. That of the stadholder favoured the British, but was opposed by a French faction which was particularly strong at Amsterdam. In spite of the three treaties which bound Holland to alliance with Great Britain, Dutch merchants were carrying on an immense trade with her enemies. Holland supplied France largely with naval stores, whilst the Dutch island of St Eustatius was the centre of an enormous traffic in military and other stores for the American colonies. American privateers found shelter in the Dutch West Indian islands, and when the British Government demanded the surrender of Paul Jones as a pirate and a rebel, the States-General refused. The depredations of American privateers on British commerce had proved more harmful than the

[1] Adolphus, J., *Hist. of George III*, II, 162–72; Mahon, VI, 255 seqq.
[2] Stedman, C., *Hist. of origin, progress, etc. of the American War*, II, 266–71; Lecky, V, 19.
[3] *Am. Dipl. Corr.* II, 335.
[4] Coxe, III, 409.

French and Spanish fleets. Jones was the most famous of these privateers. A Scottish slave trader who had settled in Virginia, he took command of a letter of marque, and was bold enough to harry the English coast, sailing into the Firth of Forth and raiding Whitehaven.[1] Then he had attacked the Baltic convoy and carried some prizes into Holland. On the other hand, the Dutch were aggrieved by the high-handed way in which the British exercised the right of search. Their anger rose when their merchantmen were searched and seized under the guns of convoying men-of-war. The breaking point, however, was not reached till papers captured in a vessel in which was Henry Laurens, late President of the American Congress, provided evidence that Amsterdam had been negotiating a treaty with the Americans ever since August 1778.[2] On 10 December 1780 Holland joined the Armed Neutrality, the League of the Baltic kingdoms founded by Catharine of Russia to enforce the new doctrine that neutral bottoms made neutral goods. On 20 December Great Britain declared war. The whole maritime power of Europe was now arrayed against her, whilst she was endeavouring, without an ally, to subdue a continent on the opposite side of the Atlantic.

[1] Shelburne, J. H., *Life of Paul Jones.*

[2] *Parl. Hist.* XXI; *Am. Dipl. Corr.* II, 335 seqq.; *Annual Register*, 1780, 1781; Renaut, F. P., *Les Provinces Unies et la Guerre d'Amérique*, chaps. VII–XV.

CHAPTER XXIV

THE WAR OF THE AMERICAN REVOLUTION, 1775–1782

IT was no simple strategical situation which confronted King George's ministers when at last the opposition in the North American Colonies developed into armed rebellion. The mother country's superiority in population and resources was virtually neutralised by the geographical conditions. To maintain an army in so distant and difficult a theatre of war was well calculated to tax the most efficient administration, let alone the cumbrous, complicated, haphazard machinery by which the British Army of 1775 was controlled.[1] The country was vast in extent, thinly populated, cultivated only in patches, ill-supplied with roads and in large degree forest-clad. Far from being able to "live on the country", the British forces were largely dependent on home for provisions[2] as well as for military stores and equipment. At every turn the British generals were hampered by administrative difficulties, arising from the delays and uncertainties then inevitably attending upon the transport of reinforcements and supplies across 3000 miles of stormy seas, while the consequent obstacles to framing and pursuing a sound strategy were considerably increased by the rudimentary political and economic development of the thirteen colonies. If it made them weak for offensive purposes their very want of political union made them hard to hit effectively. Military objectives would have been easier to find and victories in the field more effective against a more centralised and highly organised community. To conquer Canada it had sufficed for Wolfe to defeat Montcalm's regulars on the Plains of Abraham and for Amherst's converging columns to corner Montcalm's successor at Montreal, but Washington's defeats at Brooklyn and the Brandywine mattered little to communities of hardy and self-reliant farmers and fishermen economically independent of each other, on whose stubborn wills the small forces of King George found any lasting impression exceedingly hard to produce.

For the difficult task before it the British army had no advantage in point of numbers, except in the campaign of 1776, or in equipment and arms, or in superior mobility, except so far as the Navy could enable it to move freely along the coast and in tidal waters. Its establishment was low, there was no provision for rapid expansion,

[1] Fortescue, J. W., *History of the British Army*, vol. III; Curtis, *Organization of the British Army in the American Revolution*, esp. chap. ii.

[2] Curtis, p. 81.

it had to rely on improvised transport, and its weapons differed but little from those of its adversaries, who if they sometimes lacked bayonets could equally often oppose "Brown Bess" with a rifled flint-lock. If it included many who had seen active service in the Seven Years' War, the Americans enjoyed this advantage also; and of higher organisation or settled military policy there was no trace. It was "an army of regiments" only, though many of its regiments were well trained and disciplined, and in their discipline, their traditions and their spirit the British army possessed invaluable assets, as the record of the pitched battles of the war was to show. Still the odds against it were heavy, and not the least charge against North and his fellow-ministers is that, while they were not prepared to avoid the otherwise inevitable contest by conceding the colonists' demands, they failed altogether to make adequate preparation for war either by land or sea. Even in September 1774 Gage had at Boston only four battalions, barely 2000 men, not nearly enough to enforce the coercive Acts directed against Massachusetts or to maintain the royal authority which was openly defied that autumn by the seizure at Newport of the cannon mounted to protect the harbour and by the authorisation by Congress of the collection and manufacture of arms.[1] Gage had warned Dartmouth plainly that to make New England submit would require 20,000 men, but the Government's measures for asserting its challenged authority fell far short of the requirements, and though during the winter his force was raised to nearly 6000, it lacked transport and camp equipment.[2]

Hostilities actually began when, on 17 April 1775, 800 men whom Gage had despatched to destroy stores which the Provincial Congress had collected at Concord, twenty miles away, encountered armed resistance at Lexington. Overcoming this, the detachment pushed on to Concord, discharged its errand despite further opposition, and then started its return journey to find the whole countryside up in arms. Harassed by superior numbers of sharp-shooters the party only escaped annihilation because Gage had sent four battalions to Lexington to assist it; these, though suffering severely themselves, extricated the survivors of the first detachment.[3] Nearly 300 officers and men were casualties, and the Americans, elated by their first encounter with British regulars, flocked to arms so eagerly that Gage soon found himself beleaguered in Boston by 20,000 men. Moreover, a party of New Englanders under Ethan Allen and Benedict Arnold had surprised the weakly-held posts of Ticonderoga and Crown Point, thereby securing control of Lake Champlain and the direct route to Canada, while from the other colonies the royal governors were driven out headlong, Lord Dunmore in Virginia, where a few regulars were available, alone offering any resistance. Canada, however, though

[1] *Correspondence of George III* (ed. Fortescue), III, 158–61.
[2] *Ibid.* III, 216.
[3] Mackenzie, F., *A British Fusilier in Revolutionary Boston.*

weakly garrisoned, did not join the insurgents, and in Nova Scotia and the Floridas British authority remained unshaken.

Gage's situation was highly unsatisfactory.[1] Though his communications by sea were open, the inadequacy of the squadron on the station and the inertness of its admiral, Samuel Graves,[2] allowed the privateers who soon swarmed out from every New England fishing village to become a serious menace, while he had let the Americans anticipate him in fortifying the dominating heights south and west of Boston harbour. To the north, the Charleston peninsula projected into the harbour and from it artillery could command both town and anchorage. Gage, therefore, decided to seize it, but the Americans discovered his intention and during the night of 16–17 June they occupied the peninsula and started entrenching themselves on Breed's Hill. This rash venture should have been signally punished had Gage only landed troops in rear of the entrenchment and used his light-draught warships to co-operate in intercepting the American retreat. But he plunged headlong into a frontal attack, which gave every chance to the already well-entrenched American marksmen, and only succeeded at a third attempt after two had been bloodily repulsed, with 1200 British casualties, amounting to nearly half the force engaged.[3] "Bunker's Hill", as the action is usually known, ranks among the finest achievements of British infantry and largely explains the Americans' reluctance to endeavour to dislodge the garrison of Boston by direct attack. Nevertheless it showed clearly that any attempt to raise the blockade by assaulting the investing lines would be prohibitively costly, and Gage resigned himself to an inert defensive which depressed and disgusted the troops.[4] Howe, who replaced him in September, realised that even if he could storm the enemy's lines, want of land transport would render that success barren. The true road to the repression of the rebellion was to him the capture of New York as a preliminary to isolating New England, the heart of the insurrection, by securing the line of the Hudson. This he thought would be greatly facilitated if combined with an advance from Canada by Lake Champlain.[5] But at the moment it was doubtful whether Canada, like New York, would not first need to be recaptured.

The Canadians, though little disposed to bestir themselves for the Crown, had no sympathy for the thirteen colonies and their attitude had emboldened Sir Guy Carleton, the governor, to spare several battalions to reinforce Gage. Canada was ill-prepared, therefore, for the vigorous attack delivered in the autumn of 1775 along the Lake

[1] *Corresp. of George III*, III, 215 seqq.
[2] *Hist. MSS Comm., Stopford-Sackville MSS*, II, 2, 6; cf. James, W. M., *The British Navy in Adversity*, p. 27.
[3] *Hist. MSS Comm., Rutland MSS*, III, 2; *Corresp. of George III*, III, 220–5.
[4] Stuart, *A Prime Minister and his Son*, pp. 68 seqq. (quoted as "Stuart").
[5] *Stopford-Sackville MSS*, II, 9; *Corresp. of George III*, III, 242–4.

Champlain route by a force under Richard Montgomery.[1] Though held up by the stout defence of St John's, by capturing Chambly Montgomery obtained enough ammunition and supplies to reduce St John's also (3 November); whereupon he pushed on to Montreal which Carleton had hastily to evacuate. Quebec, meanwhile, was seriously threatened by another force under Arnold which had appeared before its walls on 13 November after an adventurous march through a wilderness of mountains and forests in Maine, though fortunately for Carleton a regiment recently raised from Highland settlers had arrived at Quebec just before Arnold. Montgomery joined Arnold early in December, but on 31 December their assault on Quebec was decisively repulsed, Montgomery being killed and Arnold disabled. The Americans maintained a blockade till May, but disease and desertion so thinned their ranks that Carleton had little cause for further anxiety.[2]

The year 1775 had gone better for the insurgents than for the British because the ministry, being quite unprepared for war, could not despatch a really strong force to America directly they heard of Lexington, and thereby missed all chance of nipping the insurrection in the bud, besides giving the Americans a year for their preparations. With a home establishment, including Ireland, of 30,000, from which the Boston garrison had already been drawn, and recruiting none too good[3] except in Scotland, North had to fall back on hiring mercenaries. An effort to obtain Russians failed,[4] but treaties were concluded with Hesse-Cassel, Brunswick, Waldeck and Anspach for 18,000 men, though none of these contingents could start till the spring of 1776.

Had Gage had 20,000 men by August 1775 success would have been within his reach. If the most persistent error of North's ministry was to base its plans on expectations of help from Loyalists who were never as numerous or as ready to run risks for the royal cause as Whitehall imagined, the zealous partisans of independence were in a minority outside New England and Virginia, and the New England militia, though formidable when fighting under conditions that favoured them, had the defects of their qualities and entirely lacked discipline and organisation. George Washington, who was appointed to command the "Continental Army" on 15 June, had a gigantic task in making an efficient army out of some excellent but very raw material. He had to contend against ridiculously short terms of enlistment, inter-colonial jealousies—the New Englanders criticised his partiality for Virginians[5]—deficiencies of equipment, insubordination both of officers and men, and indifferent administrative arrangements. Supplies were cheap and plentiful, but the troops

[1] *Hist. MSS Comm., Dartmouth MSS*, I, 395.
[2] *Ibid.* I, 405–7.
[3] *Corresp. of George III*, III, 249.
[4] *Ibid.* III, 268, 276; *Hist. MSS Comm., Royal Institution MSS*, I, 7.
[5] *Stopford-Sackville MSS*, II, 13–16.

suffered nearly as much from eating too much meat as from bad sanitation and the want of camp discipline.[1] Men came and went practically as they liked, showed little readiness to re-enlist when time-expired and resented all efforts to establish proper subordination. If Ticonderoga had provided the insurgents with ample artillery, ammunition was exceedingly scarce, hardly any was manufactured in the country, and a vigorous attack could hardly have been withstood for want of cartridges.[2] The royal troops, however, were in scarcely better case, and the ubiquitous American privateers assisted Washington appreciably by intercepting Howe's storeships. The critical situation at Quebec had been accentuated by the capture of a brig carrying ordnance stores[3] and the troops suffered severely from the loss of a ship laden with warm clothing. For these losses and for failing to prevent the importation of munitions from the French West Indies Graves was generally blamed,[4] but it was difficult to suppress the privateers without troops to attack their bases,[5] and troops Howe did not feel able to provide. Moreover, the Admiralty's failure to reinforce his squadron handicapped him severely, and was the more serious error because the fishing and trading interests of the colonies rendered them peculiarly susceptible to vigorous and systematic naval action. Some people, indeed, including Lord Barrington, the Secretary at War, were so impressed with this idea that they would have relied mainly on naval pressure to reduce the colonists to obedience, though an effective naval blockade would have required the assistance of troops not only against the harbours which served the colonists as bases, but for the protection of the Navy's own bases along the coast.

The winter thus passed away without material change at Boston, but on 5 March 1776 the Americans secured a commanding position by occupying Dorchester Neck. Bad weather prevented an immediate counter-attack and allowed them to complete their entrenchments,[6] so there was no alternative to evacuating the city forthwith. This was the more difficult through shortage of tonnage[7] and the necessity for removing Loyalists, but it was accomplished without molestation (17 March). Howe would have preferred to attack New York at once, but shortage of supplies and the crowding of his transports forced him to make for Halifax, where his troops had to remain from 2 April till 11 June, awaiting supplies[8] and reinforcements. Of the latter six battalions had been diverted, despite Howe's vigorous protests,[9] to North Carolina to co-operate with the local Loyalists,

[1] *Stopford-Sackville MSS*, II, 13–16.
[2] Stephenson, O. W., "Ammunition in 1776", *Am. H.R.* XXX.
[3] Evelyn, W. G., *Memoir and Letters*, p. 74; *Stopford-Sackville MSS*, II, 20.
[4] *Ibid.* II, 10; *Hist. MSS Comm., Knox MSS*, p. 121.
[5] Howe to Dartmouth, 13 Dec. 1775, C.O. V, 93.
[6] Stuart, pp. 76–80.
[7] Howe, *Narrative*, p. 3.
[8] Howe to Germain, 7 May, C.O. V, 93.
[9] Howe to Dartmouth, 16 Jan., C.O. V, 93.

of whose assistance great hopes were held out by Martin, the former governor.[1] However, storms delayed the arrival of the transports till long after the Loyalists had risen prematurely and been dispersed, and when the commanders, General Clinton and Admiral Parker, attacked Charleston (28 June), rather than come away without attempting anything, the squadron was repulsed with considerable loss, an unexpectedly unfordable creek preventing the troops from co-operating. Ultimately (1 August) the discomfited force joined Howe at New York, where he would have had them concentrated at the outset as the point of chief strategic importance.[2]

Howe had brought from Halifax 10,000 men. Finding Manhattan Island strongly fortified and the enemy prepared to oppose his intended landing on Long Island, he began by passing the Narrows (2 July) and landed on Staten Island almost unopposed. But August was well advanced before the arrival of the Hessians enabled him to start his attack with 25,000 men. Washington had under 20,000 men, the largest detachment being on Long Island, holding strong entrenchments at Brooklyn but in a precarious situation. With the British squadron, now under Lord Howe, the general's brother, controlling the navigable waters, its retreat was liable to be intercepted, even if the narrowness of the East River forbade ships to remain at anchor between the batteries on its banks.[3]

The attack began by the British landing on Long Island on 22 August. Five days later Howe attacked the wooded heights which covered the approaches to the Brooklyn lines, his main body making a wide turning movement round the American left, while his centre and left attacked in front. The outflanking movement succeeded completely and the Americans had some difficulty in regaining the lines. Some of Howe's infantry indeed pressed the retreat so closely that they were with difficulty called off from storming the lines.[4] Howe's caution is easier to understand than to justify. Memories of Bunker's Hill probably made him reluctant to try rushing American entrenchments, but a prompt attack on defenders still disordered by retreat might well have succeeded. Certainly Howe should never have allowed Washington to withdraw his whole force across the East River on the night of 29–30 August unmolested. Adverse and unusual winds may account for the Navy's failure to profit by the defencelessness of the troops when in transit, but nothing can extenuate General Howe's lethargy, for, though warned of the move in time to catch the rear-guard, he never stirred, and Washington's temerity escaped the punishment it had merited.[5]

Brooklyn had cost the British under 400 casualties, the Americans

[1] *Corresp. of George III*, III, 266–7.
[2] Howe to Germain, 24 April, C.O. v, 93.
[3] Duncan, H., *Journals*, N.R.S. xx, 117 seqq.
[4] Howe to Germain, 9 Sept., C.O. v, 93; *Rutland MSS*, III, 6.
[5] Adams, C. F., "The Battle of Long Island", *Am. H.R.* I.

over 1000 besides 1100 prisoners and thirty guns, but far more might have been achieved. Howe's subsequent operations did little to retrieve the lost chance, although Washington offered him another golden opportunity. New York, standing at the southern end of a long and narrow island with navigable channels on both sides and the narrowest egress to the north, was indefensible against troops who might land anywhere, but again Washington held on dangerously long. After a fortnight's delay Howe passed his troops across the East River to Kipp's Bay, three miles above the city (15 September), having distracted his opponents by naval demonstrations elsewhere.[1] Covered by ships' guns the landing was successfully effected, the defenders being completely surprised. To corner the 4000 men in New York Howe had only to plant himself astride the narrow island, but he waited for a second trip by his flotilla and thereby allowed them to escape with the trifling loss of 400 men and the seventy guns in the riverside batteries. Next day (16 September) a sharp action between the British light troops and an American reconnoitring party ended with the retreat of the Americans to their entrenchments on Haarlem Heights. These Howe reconnoitred but found too strong to be forced by a frontal attack, while water covered both their flanks.[2] For the next three weeks he did nothing but fortify his position and write despondently to Dartmouth's successor, Germain, of the impossibility of doing anything more that year, of the improbability of Carleton approaching near enough to assist him, and of the large reinforcements, especially of warships and extra sailors for manning boats, needed for the next year's campaign. Then, however, he apparently realised that by transferring his troops by water to the country east of the Bronx River he could sever Washington's communications with Connecticut and turn his position.

On 12 October the new move began, the troops passing through the dangerous Hell Gate channel.[3] Valuable time was wasted by landing at a point from which no advance was possible, and when the troops finally landed (18 October) at Pell's Point and advanced slowly northward all surprise was gone: Washington had shifted his main body to White Plains, where he entrenched a strong position to bar Howe's progress. Still, the American troops were much spread out, for 3000 men were left to hold Fort Washington near King's Bridge and deny the use of the Hudson to the British, and Howe could concentrate superior numbers against the White Plains force. However, though his despatches are full of the necessity for forcing on a decisive battle, he was unaccountably unenterprising.[4] Despite an initial success against the American right (28 October) he failed to press his advantage, and by waiting for reinforcements from New York let Washington

[1] Duncan, H., *Journals*, N.R.S. xx, 127–9, also N.R.S. vi, 28–32.
[2] Howe to Germain, 15 Sept., C.O. v, 93.
[3] N.R.S. xx, 131.
[4] Stuart, p. 88.

decamp into the hills farther north (1 November). Howe did not even try to engage his rear-guard, declaring that as the Americans were plainly determined to avoid battle, pursuit was useless.[1] Instead he moved westward to the Hudson (6 November), thereby isolating Fort Washington which he intended to attack in order to secure direct communication with New York and open the navigation of the Hudson. A naturally strong position had been well fortified, but its retention risked the loss of the whole garrison, which succumbed on 16 November to a threefold attack from north, east and south, the British casualties being under 500. A division under Cornwallis was so promptly pushed across the Hudson to attack Fort Lee (just opposite Fort Washington) that Greene only just extricated his garrison and had to leave 100 guns behind (18 November), whereupon Cornwallis advanced rapidly through New Jersey, driving Washington before him.

The Americans were now much discouraged by their inability to withstand the British advance, desertion was thinning their ranks, and Cornwallis encountered little serious resistance. At the Raritan River the fatigue of his troops, who had outmarched their supplies, compelled him to halt (1 December). However, seeing the enemy's plight Howe decided to push for Philadelphia, and Cornwallis, advancing again on 7 December, reached the Delaware at Trenton next day to find once more that Washington had just escaped across the river. Could Cornwallis have crossed, Philadelphia must have fallen, but the river was unfordable, every boat within reach had been removed, and the usual season for active operations was long past. Accordingly, Howe decided (14 December) to take up winter quarters. In selecting these he admittedly dispersed his troops unduly: as he himself wrote,[2] "the chain is rather too extensive, but I was induced to occupy Burlington to cover the county of Monmouth in which there are many loyal inhabitants". In this he was indicating one of his chief difficulties: the Loyalists whom the ministry regarded as an asset, more often needed protection. To enter a district promising protection to all who would take the oath of allegiance often meant that, if military exigencies subsequently required its evacuation, the unprotected Loyalists either abandoned the royal cause in disgust or were subjected to a savage persecution which effectually deterred others from adopting it.

Howe's neglect of military precautions was more culpable because he had detached two British and two Hessian brigades to occupy Rhode Island. Quite unwarrantable from the military standpoint, this weakening of his main force could be justified on naval grounds: Narragansett Bay was the best harbour on the coast, flanked the route from Halifax to New York and provided the troublesome

[1] Howe to Germain, 30 Nov., C.O. v, 93.
[2] Howe to Germain, 20 Dec., C.O. v, 94.

American privateers with a splendid base. Moreover, Howe's scheme for the next year included, besides the main advance up the Hudson to meet Carleton, an attack on Boston by a column from Rhode Island. When on 20 November he propounded this scheme to Germain, he could congratulate himself on having secured his end of the Hudson—Lake Champlain line. He was, however, far from satisfied with Carleton's progress.

The force destined for Canada, eight British battalions with the Brunswick and Hanau contingents, should have sailed in March 1776 but did not start till 7 April, and May was well advanced before the main body entered the St Lawrence. Directly the first reinforcements reached Quebec (6 May), Carleton had taken the offensive[1] and driven Arnold back to Sorel. Thither, when further reinforcements arrived, he followed, winning a sharp action at Three Rivers (8 June),[2] and by the end of June Canada had been cleared of the invaders. Burgoyne, now Carleton's second in command, suggested that, if the governor had shown greater enterprise or given him a freer hand, none of the Americans would have escaped, but, even as it was, their discomfiture was complete and costly, and with it all signs of disloyalty in Canada vanished. Unluckily for the British Arnold himself had escaped and with characteristic energy had started to construct a flotilla to dispute the command of Lake Champlain, control of which was indispensable to any advance to the Hudson. To combat this Carleton had to provide a similar force; it was October before Arnold's control of the lake could be challenged, and though his whole flotilla was then taken or destroyed he had achieved his object and delayed the British advance. Carleton reached Crown Point on 14 October, but instead of pushing on to Ticonderoga, only fifteen miles away, he retraced his steps to St John's. The administrative difficulties of pressing on so late in the season were certainly serious, but the failure to take Ticonderoga[3] prejudiced the prospects of the next campaign. Arnold's fight for Lake Champlain, aptly described by Admiral Mahan as "the strife of pygmies for the prize of a continent", had had far-reaching effects. But for Arnold, Carleton should have reached Ticonderoga in July and might have been pushing on towards Albany just as Howe's attack on New York was taxing all Washington's energies, and so have been in readiness to complete the isolation of New England early in 1777. As it was, the prospect of the long delay before "the Northern Army" could reach Albany contributed largely to Howe's changing his original plan for 1777, which change led directly to Saratoga and all its vital consequences. On 30 November Howe had still been meaning to make the advance on Albany his main operation, leaving a defensive force "to cover Jersey and keep the rebels' Southern Army

[1] *Dartmouth MSS*, I, 407.
[2] *Corresp. of George III*, III, 382–6.
[3] *Stopford-Sackville MSS*, II, 44.

in check by giving a jealousy to Philadelphia".[1] Three weeks later he was contemplating converting this detachment into the principal force to "act offensively against Philadelphia where the enemy's chief strength will certainly be collected", leaving only 7000 men on the Lower Hudson to cover New York and "facilitate in some degree the approach of the army from Canada".[2] This he did not expect to reach Albany before September, and he clearly anticipated that by attacking Pennsylvania he would so effectually divert the enemy thither that Burgoyne would have little more than the natural difficulties to encounter.[3]

Howe's optimistic hopes of finishing the war in another campaign were to receive a sudden shock. The dispersion of the British cantonments inspired Washington to fall upon the left of Howe's line where Donop's and Rall's Hessians were holding Bordentown and Trenton. Ice had rendered the Delaware no longer a barrier, and on the night of 25–26 December Washington crossed, calculating on catching the Hessians off their guard. At Trenton he was completely successful: Rall, though warned, had taken no precautions, and the Hessians' outpost work and discipline were seriously at fault, for they were completely surprised, and over 1000 men surrendered tamely, having suffered barely fifty casualties, including Rall, whose negligence cost him his life. About 300 men escaped to Bordentown, the attack on which had miscarried, but Donop, instead of attempting to succour Trenton, retired precipitately to Princeton.[4]

Cornwallis did his best to repair the mishap and hurried to Trenton, arriving late on 2 January to find Washington very strongly posted. As two of his brigades were not yet up, Cornwallis deferred attacking till morning, and Washington, who had been rather rash in lingering east of the Delaware, slipped away by night, marching wide round Cornwallis's left and across his rear, and thrusting aside one of the belated British brigades which he encountered near Princeton. Cornwallis, hearing the firing, promptly marched to the sound of the guns, but could not prevent Washington gaining the New Jersey hills, into which Cornwallis could not follow him without unduly exposing his troops to the very inclement weather. Indeed Howe now drew back his troops behind the Raritan, abandoning most of New Jersey. This withdrawal, though probably expedient, was politically disastrous, as it meant abandoning the Jersey Loyalists to their enemies, and Howe had to admit[5] that the reverse at Trenton, which had greatly encouraged the enemy, had had more serious results than he had at first supposed: moreover, the rapidity with which

[1] Howe to Germain, 30 Nov. 1776, C.O. v, 94.
[2] Howe to Germain, 20 Dec. 1776, *ibid.*
[3] Howe to Germain, 16 July 1777, *ibid.*
[4] Heister to Germain, 5 Jan., C.O. v, 94; *Stopford-Sackville MSS*, II, 53, 55; *Corresp. of George III*, III, 421.
[5] Howe to Germain, 20 Jan. 1777, C.O. v, 94.

the Americans could move made it very difficult to force on Washington the indispensable general action.

It was partly because he believed Washington would risk a pitched battle for Philadelphia[1] that Howe wished to make his main effort against that city, but neither Philadelphia nor New York nor Boston was of such vital importance economically or politically as to warrant the colonists staking their all for its retention. An agricultural population, scattered over a wide expanse with indifferent communications, was not to be touched by capturing cities, as the British were to find in very similar circumstances in South Africa between 1900 and 1902. The problem before the British generals strikingly resembles that which Napoleon's marshals faced in the Peninsula thirty years later when to defeat Spanish regulars in pitched battles was child's play, but the elusive and irrepressible guerrillas offered a determined and effective opposition impervious to normal forms of pressure. In America it was not the "continental" troops who were the dangerous enemy, but the irregulars who swarmed round the British encampments, impeding the collection of supplies and raiding isolated posts. They scattered directly a push was made against them, posed as peaceful farmers if the British occupied their district in force, but took arms again whenever they moved on. As in Spain between 1808 and 1813, a conquered district only remained quiescent while effectively occupied, and the size of the colonies made their effective occupation even more impracticable than that of Spain, while the British commanders never disposed of a fifth of the French force in the Peninsula.

A long pause followed Trenton. Howe endeavoured, not without success, to increase his force by recruiting Loyalists, over a dozen corps being raised. Minor operations were frequent and the British gained many successes. In April, for example, Cornwallis surprised a post at Boundsbrook, killing and taking 120 enemy with only seven casualties,[2] while Tryon, the ex-Governor of New York, despite vigorous opposition, successfully raided an important depôt at Danbury.[3] Still this minor warfare gave the Americans experience, inured them to war and cost the British more than a pitched battle.[4]

But the main interest of the period lies in the despatches which were passing between America and Whitehall. Howe's letter of 30 November reached Germain on 30 December, that of 20 December with its all-important change of plan was twice as long in transit and only arrived on 23 February.[5] For the original plan Howe had demanded 35,000 men, exclusive of those in Canada, and to complete that number he needed 15,000 reinforcements. Germain, while declaring that he could provide barely half this number, apparently assumed

[1] Howe's speech of 22 April 1779; *Parl. Hist.* xx, 692.
[2] *Corresp. of George III*, III, 441.
[3] N.R.S. xx, 143; Howe to Germain, 22 May, C.O. v, 94.
[4] Stuart, p. 102.
[5] *Stopford-Sackville MSS*, II, 32.

that the balance could be found by recruiting Loyalists and then, despite Howe's letter of 20 December, drew up a detailed plan for the force from Canada which Burgoyne was to command. This assumed definitely that Burgoyne's main object was to unite with Howe, and the letter of 26 March, which communicated it to Carleton, spoke definitely of Burgoyne's placing himself under Howe's orders on reaching Albany. Yet three weeks earlier Germain had written to Howe approving of the changes proposed in his letter of 20 December.[1]

The scheme for the advance from Canada was partly Burgoyne's. He had returned to England on winter leave and had urged upon Germain that the main body should move by Lake George or Skenesborough to the Hudson while a small column advanced from Oswego down the Mohawk River as a diversion. The plan looked better on a small scale map than on the ground, where the practical difficulties of traversing the almost trackless forests were more obvious than at Whitehall. But Burgoyne had served in Canada, if Germain had not, and he should have appreciated the obstacles better, even if he may be excused for not realising how formidable the New England militia would prove in their native woods. Still the physical difficulties, though enormous, were not insuperable, and, had the original plan been followed, the line of the Hudson might have been secured. Howe cannot by pleading ignorance of Burgoyne's instructions avoid responsibility for leaving the force from Canada to advance unsupported, for on 24 May he had received from Whitehall a copy of Carleton's orders, though Germain would have neglected to send it had not his subordinates taken steps to secure its despatch.[2] At that moment Howe had already decided to attack Philadelphia by sea, but he was still at New York and could have changed his plans and proceeded up the Hudson. He continued his preparations, however, unmoved, apparently absolving himself of responsibility by the thought that he had already (5 April) written to acquaint Carleton with his intentions and warn him that he could not do much to assist Burgoyne, though he would "endeavour to have a corps on the lower part of Hudson's River sufficient to open the communications by shipping through the Highlands...which corps may afterwards act in favour of the Northern Army". Germain, replying on 18 May[3] to Howe's letter of 2 April, approved the proposed move by sea, but added that he hoped whatever Howe "meditated against Philadelphia" might be executed in time for him "to co-operate with the army ordered to proceed from Canada", a suggestion which betrays conclusively Germain's inability to grasp the bearing of Howe's proposals and displays his limitations as a practical strategist.

Actually July came before Howe was off to Philadelphia. His

[1] *Stopford-Sackville MSS*, II, 50–60.
[2] *Knox MSS*, p. 276.
[3] C.O. v, 94.

start had been delayed by difficulties in providing transport and by want of camp equipment which only arrived at the end of May.[1] Before sailing he had advanced (12 June) towards Quibbletown, hoping that Washington might fight, but the Americans would not abandon their defensive, and Howe, thinking their position too strong to attack, withdrew towards Amboy. The move lured Washington from the security of his hills, and Howe, turning about, marched rapidly back in hopes of a battle. He narrowly missed success: Cornwallis routed Stirling's division, taking three guns, but Washington managed to evade an outflanking movement and the great heat soon forced Howe to abandon the pursuit, whereupon, withdrawing to Staten Island, he started embarking (29 June).[2] For all the enunciations of sound doctrine which fill his despatches he had again failed to follow his own precepts and force on a general action, though by obliging Washington to concentrate he had prevented him from detaching troops to oppose Burgoyne or to impede a landing in Pennsylvania.[3] The claim that Washington had outmanœuvred Howe and prevented an overland march to Philadelphia is refuted by the documentary evidence that Howe had notified Germain in April that he would move by sea.

It was not till 25 August, however, that Howe disembarked at the Head of Elk in Chesapeake Bay. He had left 9000 troops at New York and 3000 at Rhode Island, and had 16,000 men with him.[4] Foul winds had delayed the transports and then the naval officers pronounced Delaware Bay, where Howe had intended landing, unsuitable for disembarkation, whereupon the fleet spent nearly three weeks working against unfavourable winds to make the Chesapeake. All the advantage of surprise which an "amphibious" operation should have given was thus lost: Washington, whom Howe's movements had greatly puzzled, had ample time to reach Pennsylvania, much relieved by the direction Howe had taken and confident in New England's ability to cope with Burgoyne.

That general had some 7000 regulars, half British, half German, but his hopes of substantial support from the Canadians had been disappointed, for barely 250 presented themselves. He had also the questionable advantage of the assistance of a large Indian contingent. He had himself written characteristically of "desiring to keep up their terror and avoid their cruelties",[5] and it is doubtful whether either side ever derived the least benefit from their services. In a pitched battle they were useless, in partisan warfare they met their match in the backwoodsmen, while the atrocities they could not be prevented from perpetrating inflamed feeling and provoked retaliation.

[1] Howe to Germain, 3 June, C.O. v, 94; *Corresp. of George III*, III, 451.
[2] Howe to Germain, 5 July, C.O. v, 94.
[3] *Knox MSS*, p. 132; *Corresp. of George III*, III, 462.
[4] "States" given in C.O. v, 94.
[5] Burgoyne to Howe, 6 Aug. 1777, C.O. v, 94.

Burgoyne's appointment was a virtual censure on Carleton. If criticisms of Carleton's want of enterprise had not been confined to Germain and his friends,[1] personal hostility of old-standing undoubtedly made the Secretary of State exaggerate Carleton's culpability for the disappointing results achieved in 1776 and make it an excuse for giving him instructions almost insultingly precise and detailed.[2] He was left with under 4000 men and confined to the task of supporting Burgoyne. This duty, however, he performed with such energy and zeal[3] that Burgoyne could start operations on 20 June and reach Ticonderoga ten days later. That place had been strongly garrisoned, but Phillips, one of Burgoyne's brigadiers, detected a weak spot in the position and by planting guns on it he rendered the place untenable. On 6 July the garrison evacuated it, but retiring hastily on Castleton were overtaken and routed by Burgoyne's advance guard in a sharp-fought action at Hubbardtown (7 July), while the British flotilla caught up and destroyed the boats in which they were trying to remove their stores. By 10 July Burgoyne's main body had reached Skenesborough, little over twenty miles from the Hudson. On the map success seemed almost assured: Germain wrote exultantly of "Burgoyne's rapid progress" and "the fair prospect of an earlier junction": in practice these twenty miles were miles of trackless forest, intersected by numerous watercourses which needed bridging before Burgoyne's boats and heavy guns could be got forward, and it took three weeks' incessant toil to reach the Hudson at Fort Edward (30 July), forty miles above Albany.[4]

In face of such difficulties this was no mean achievement, but before Burgoyne could push on he must collect adequate supplies, and an attempt to raid an American depôt at Bennington, twenty miles south-east of Saratoga, ended in disaster (16 August), attributed by many to the employment on this errand of Germans, whose equipment and training were ill-suited to forest warfare. Shortly afterwards news came in of the failure of St Leger's diversion in the Mohawk Valley, mainly due to the misconduct of the Indians who provided half his force. Burgoyne could now appreciate the difficulties of his task more accurately than when in Germain's optimistic company, and, as he declared later, had his orders been less precise, he would not have ventured on a forward movement and might even have retired. However, feeling convinced that his orders, "both in the letter and spirit", left him "no latitude", and that his corps was "intended to be hazarded for the purpose of forcing a junction or at least of making a powerful diversion" in Howe's favour by making Washington detach troops,[5] he advanced on 19 September against

[1] *Corresp. of George III*, III, 403, 406.
[2] *Knox MSS*, p. 132; *George III's Letters to Lord North* (ed. Donne), II, 45.
[3] *Stopford-Sackville MSS*, II, 110; Anbury, *Travels in N. America*, I, 30.
[4] Stedman, C., *History of the American War*, I, 353.
[5] *Royal Institution MSS*, I, 140.

the well-entrenched American position at Stillwater, ten miles south of Saratoga.

Burgoyne had little over 5000 effectives while his opponent Gates, who had recently secured the command by intrigue rather than merit, had nearer 14,000, for as Burgoyne advanced, the New England militia hastened to turn out to oppose him, and the militia of the Green Mountain and the "Hampshire Grants" (which later became Vermont) were "as good as any of their troops".[1] Moreover, in Arnold, Gates had a subordinate far abler than himself, but for whose leadership and tactical skill Burgoyne's attack might have turned his position. Thus, although the gallantry and devotion of Burgoyne's British battalions, who bore the brunt of the fighting, left them in possession of the stubbornly-defended Bemis Heights, it was a Pyrrhic victory and increased Burgoyne's difficulties by saddling him with wounded.[2] The Americans could far better afford their 1200 casualties than Burgoyne his 400,[3] and he could only entrench himself on Bemis Heights and hold on. Germain's comment was "the best wish I can form is that he may have returned to Ticonderoga. What alarms me is that he thinks that his orders to go to Albany to force a junction with Sir W. Howe are so positive that he must attempt it at all costs".[4] Burgoyne had certainly notified Germain that he knew of Howe's departure for Philadelphia,[5] but apparently he was nevertheless relying unduly on Howe's guarded promise of 5 April to try to have a corps on the Lower Hudson which "might act in favour of the Northern Army". But Howe had left Clinton too weak to respond effectively to Burgoyne's urgent appeals, though directly the arrival of drafts from England (at the end of September) let him he collected 3000 men to attack Forts Clinton and Montgomery which commanded the passage of the Hudson. The attack was well conducted and highly successful (7 October); both forts were taken, the American flotilla was destroyed, their casualties came to over 400, and the British ships ascended the Hudson to Esopus, sixty miles below Albany, where more batteries were stormed and more shipping and stores destroyed.[6]

These operations were too late and on too small a scale for Burgoyne's needs. On 9 October Clinton received a message stating that Burgoyne could retain his position till the middle of October if certain of being in touch with Clinton by then: otherwise he must retire before the ice set in. Even at this last Burgoyne was too optimistic. As Clinton's men were storming Fort Montgomery, Burgoyne's were moving out in the forlorn hope of extricating themselves by dislodging Gates. The odds against them were stupendous; they were forced back to their entrenchments and after desperate fighting had

[1] *Rayal Institution MSS*, I, 143.
[2] Howe to Germain, 31 Oct., C.O. v, 94.
[3] Burgoyne to Clinton, 27 Sept. *ibid.*
[4] *Knox MSS*, p. 140.
[5] *Ibid.*
[6] Clinton to Howe, 9 Oct., C.O. v, 94; and his letters in *Rockingham Memoirs*, II, 334 seqq.

to withdraw under cover of night to Saratoga (8 October). But the Americans were already between them and Fort Edward, and though Burgoyne wrote to Howe, "Had all my troops been British I believe I should have made my way through Mr. Gates' army", his Germans were already showing a strong disposition to surrender. "It was notorious that they meant to have given one fire and then clubbed their muskets".[1]

The end came on 17 October, when Gates signed a convention by which Burgoyne's starving men, 4880 all told, capitulated on condition that they should proceed to Boston for shipment to England but should not serve again in America during the war. The terms were more favourable than Burgoyne's situation entitled him to expect, though the effect of Clinton's operations on Gates's mind must not be forgotten, and Congress was naturally furious with Gates for having conceded them, but there is no excuse whatever for the ill-faith with which on various pretexts it evaded the execution of the convention, detained officers and men in captivity, refused even to exchange them, endeavoured to seduce the men into joining their ranks and failed to carry out the stipulations for their feeding, housing and clothing.

The responsibility for Burgoyne's disaster is not one man's only. That Burgoyne either failed to realise how greatly Howe's change of plan had aggravated his own difficulties or gambled on the doubtful chance of effective assistance from Clinton is arguable. Yet, despite the disclaimers of Howe and Germain, Burgoyne's orders certainly were precise and unconditional, and clearly he regarded his errand as "a forlorn hope".[2] He should perhaps never have advanced beyond Fort Edward when he discovered how serious the transport and supply questions were: a prompt retreat after 19 September would have been justifiable and possibly successful, but one cannot better Sir J. W. Fortescue's description of what he and his men did as the "most honourable attempt to achieve the impossible on record". Howe's responsibility is much heavier: it is easier to follow his shifting schemes than to understand his motives. He was certainly disappointed in the numbers placed at his disposal;[3] that he thought a direct attack on Philadelphia the shortest road to the decisive battle he desired is his main defence: but he over-estimated the extent to which it would divert opposition from Burgoyne,[4] not realising that the New Englander would bestir himself far more for his own country than for Pennsylvania. His estimate of the time Burgoyne would take to reach Albany was fairly correct, and probably he did not wish to risk an unsupported advance up the Hudson or to condemn the main force to virtual inactivity by waiting till Burgoyne drew near. Perhaps he thought that on sanctioning his change of

[1] *Royal Institution MSS*, I, 140.
[2] *Ibid.* I, 143.
[3] Howe to Germain, 2 April 1777, C.O. v, 94.
[4] *Corresp. of George III*, III, 507.

plan Germain would alter Burgoyne's instructions, but it is difficult to acquit him of having violated the elementary principle of concentration of effort. Still Howe can plead that Burgoyne was not under his orders and that the co-ordination of the different forces was the minister's task not his. Certainly the heaviest responsibility is Germain's: having approved of Howe's proposal to attack Philadelphia he should have realised how vitally Burgoyne's situation was thereby affected. Germain had been a soldier, yet no inexperienced civilian ignorant of strategy ever surpassed the folly of Germain's idea that the attack on Philadelphia, which he had just authorised,[1] might be executed in time for Howe to co-operate with Burgoyne.

Howe had received that letter when approaching the Head of Elk: his reply (30 August)[2] reveals him as already disillusioned about the expected Loyalist support, one of his main motives for moving to Pennsylvania:[3] he could not, he declared, act up to the King's expectations in returning to the Hudson, since his progress, apart from the enemy's army, "must be greatly impeded by the prevailing hostile disposition of the inhabitants". His progress was certainly leisurely: having landed on 25 August he did not really begin his advance till 3 September or approach Washington's army, strongly posted behind the Brandywine Creek at Chad's Ford, twenty-five miles south-west of Philadelphia, till 10 September. He was slightly weaker than Washington, but boldly despatched half his army under Cornwallis round by some fords twelve miles upstream, to turn Washington's right, while the remainder under the Hessian Knyphausen advanced straight against Chad's Ford. By 11 a.m. Knyphausen had reached the creek after hard fighting with Washington's advanced troops in which he repulsed an American counter-stroke. But Cornwallis was still miles away and nearly five hours elapsed before he began to press in upon Sullivan, whom Washington, undeterred by the demonstrations to which Knyphausen had till then to confine himself, had shifted to cover his threatened flank. By 4 p.m. Cornwallis was attacking with great vigour, though his men had already covered eighteen miles since daybreak: before long he had driven Sullivan headlong from his first position and was nearing Dilworth, behind Washington's right. Here, however, Washington interposed his reserve to cover Sullivan's retreat eastward and to prevent Cornwallis cutting off Knyphausen's opponents. Knyphausen had at last attacked in earnest, but though Grant's brigade forded the creek and stormed the battery which commanded the passage,[4] it was too late for close action, and covered by the darkness and the woods the Americans escaped, though with the loss of a dozen guns, 400 prisoners and 1000 casualties. Howe's tactics have

[1] Germain to Howe, 18 May, C.O. v, 94.
[2] Howe to Germain, 2 April 1777, *ibid.*
[3] C.O. v, 94.
[4] Knyphausen's report, *ibid.*

been highly praised,[1] but the lack of co-ordination between Knyphausen's appearance and that of Cornwallis was the main reason for the incompleteness of the victory.

Brandywine was followed by a move to the left which perplexed Washington greatly[2] and resulted in the British crossing the Schuylkill near Valley Forge on 22 September, whereupon Washington, not prepared to risk destruction for Philadelphia, retired into the hills farther north, leaving the British to occupy the town (26 September). Their immediate need was to re-open direct communications with the fleet by capturing the forts which covered the obstacles to the navigation of the Delaware. The next week saw this begun and the American flotilla driven off up river; but Washington, recently reinforced by 1500 men from the Hudson and 1000 from Virginia, ventured a night attack on Howe's main body at Germantown, now reduced by various detachments to about 8000 men. His plan, which involved the co-operation of four converging columns, was too elaborate for the training, discipline and organisation of his men; a thick fog, which developed soon after sunrise on 4 October, added complications, and finally Sullivan's column in the right centre overlapped the left centre column, which fired into it from behind. The British outposts offered a stubborn resistance, especially at a stone house just north of the village where six companies held up nearly 3000 Americans, and the delay they imposed allowed the main body to prepare its counter-stroke. This was delivered with complete success, the American right being routed, whereupon the left, which had gained some initial advantage, retired also, only just in time to evade pursuit by Cornwallis, who arrived from Philadelphia with reinforcements. Washington's venturesomeness had cost over 1000 men, including 450 prisoners, but his readiness to take the offensive again did something to cancel the effects of the defeat at Brandywine and made no small impression on Howe. There seems little substance, however, in Washington's complaint that the Americans had retreated at the moment of victory: had they stood their ground much longer, Howe might have been presented with his decisive battle. He had had 550 casualties—more, relatively to the forces engaged, than at Brandywine—but his troops had fully retained their ascendancy in battle.

After Germantown Howe resumed his operations for opening the Delaware. A Hessian attempt on Red Bank (22 October) was repulsed with heavy loss, but a fresh attack in which ships co-operated[3] captured Mud Island (16 November), whereupon Cornwallis crossed the Delaware and cleared Red Bank. On this the Americans dismantled and burned their shipping and abandoned further opposition. Howe had established himself solidly in Pennsylvania, but he had soon to realise that Burgoyne's disaster had neutralised his own

[1] Fortescue, III, 216. [2] Washington, *Works*, V, 69. [3] N.R.S. XX, 154.

success. He had already written on 30 August[1] that he must have more troops: in the previous year he had had enough because he had then no conquests to guard—a telling criticism of his own recent proceedings—but as things stood, he could not hope to conclude the war with his present force: on 23 October[2] his demand became one for 10,000 additional men besides drafts. If operations were to be extended to the southern colonies, as Germain, trusting blindly as usual to over-confident Loyalist refugees, had already suggested,[3] 15,000 men would be needed besides garrisons for New York, Rhode Island and Philadelphia. He concluded by requesting his relief in view of the "little attention given to his recommendations". Germain, who received this letter early in December, replied (11 December) that no answer was possible till Howe's own campaign was finished and particulars of Burgoyne's fate had arrived, but that enough was already known to show the need for material alterations in the plan of campaign.

This necessity did not really arise out of the military situation in America. Saratoga had been but a negative success and might have been retrieved had the general situation remained unchanged. It had merely foiled Burgoyne's attempt to secure the Hudson line; it was not followed, or likely to be, by an attack on Canada or New York, and though Gates reinforced Washington with 4000 men, their arrival only emboldened him to advance to Whitemarsh, fourteen miles from Philadelphia; he did not venture another Germantown, nor could Howe draw him into fighting. Howe moved out to Whitemarsh (4 December), captured some advanced posts, repulsed a reconnaissance in force, sought for a weak spot to attack, and, finding none, withdrew to Philadelphia, letting Washington establish himself at Valley Forge in quarters far less comfortable than Howe's but which allowed him to restrict considerably the area from which the British could draw supplies and forage.

Outside America, however, Saratoga had decided the doubts of France and brought her into the war. This was hardly unexpected; as far back as 14 August Germain had warned Howe that France and Spain would probably be drawn in "if this rebellion continues much longer". North's ministry is therefore doubly culpable that when France signed the treaty acknowledging American independence (6 February 1778) the British Navy was found unready for war against its old enemy. Sandwich cannot plead absence of warning or escape the main responsibility for the administrative shortcomings which largely explain the British fleet's failure to repeat its successes of the Seven Years' War and to keep the ring as clear for the army's operations overseas as when Anson inspired the Admiralty. The abandonment of the strategy of Anson and Hawke was at the bottom of naval failures on the American coast and in the West Indies, but

[1] C.O. v, 94. [2] *Ibid.* [3] Germain to Howe, 3 Sept. *ibid.*

the chaos in the dockyards and administrative services was mainly responsible for the Navy's inability to keep the French cooped up in their home ports.

Till 1778 the Navy's part, though essential, had been secondary. After Lord Howe replaced Graves and a more adequate squadron was detailed for the work, the naval situation in America had improved appreciably. The privateers, though still troublesome, had been checked, and much damage inflicted on American commerce: one frigate alone, the *Orpheus*, captured thirty-three American privateers or merchantmen in two months between Rhode Island and the Bay of Fundy.[1] The fleet had kept open the army's communications and had carried General Howe wherever he wished to go: if he had failed to reap full advantage of the mobility with which his troops were thus invested, Admiral Howe was blameless. Now the case was altered. Choiseul and Maurepas had made the French Navy of 1778 far more formidable than in the Seven Years' War.[2] It was certainly imbued with dubious strategical and tactical doctrines, but, if its improvement must not be exaggerated, in training, administration and numbers it had never so nearly equalled the British, and it was in the happy position of having much less to guard, much more to attack. The Navy's ability to secure freedom of transit might at any moment be challenged by the appearance in American waters of a squadron equal or even superior to that on which the army's mobility depended.

The despatches clearly reflect the altered situation. On 30 November 1777 Howe emphasised[3] the vital need for large reinforcements: to find an offensive corps for 1778 he must evacuate either New York or Philadelphia or Rhode Island, though he could preserve all three by remaining on the defensive if a substantial reinforcement could not be produced till 1779. There was more prospect of such a reinforcement as the news of Saratoga had roused patriotic feeling in England: ordinary recruiting had greatly improved, and new regiments were being raised by public subscription, Liverpool, Manchester, Edinburgh and Glasgow and several leading noblemen undertaking the task.[4] North's ministry also resolved to attempt again reconciliation and appointed commissioners to proceed to America for that purpose, but Germain specially warned Clinton, who had been selected to replace Howe (February 1778), not to relax military precautions on that account. He held out hopes of large reinforcements, but the war was now to be prosecuted on different lines. After securing the places in his possession Clinton was to confine himself to systematic coastal attacks on New England, to be followed by

[1] Rear-Admiral James's *Journal*, N.R.S. VI, 42 seqq.

[2] Lacour-Gayet, *La Marine Militaire sous Louis XVI*; Chevalier, *Histoire de la Marine Française*, bk I.

[3] C.O. V, 95.

[4] *George III's Letters* (ed. Donne), II, 98 seqq.; *Corresp. of George III*, III, 511 seqq. and IV, 1–35.

operations against the southern colonies.[1] A fortnight later Germain's tone was greatly changed;[2] the French treaty had altered the situation, the recruits destined for North America must be diverted elsewhere and only three battalions could be spared from the United Kingdom. Offensive operations in North America must be abandoned and after providing 3000 men to defend Florida, Clinton was to despatch 5000 more to attack St Lucia, strategically about the most important of the French West Indies. These reductions would entail evacuating Philadelphia, and Clinton was to proceed forthwith to New York, there to "await the issue of the treaty which we have authorised our commissioners to propose". Should the negotiations fail Clinton was at liberty to evacuate New York for Rhode Island and to secure that post and Halifax, sending any surplus troops to Canada, where Haldimand was replacing Carleton.

These official "instructions" differ somewhat from Germain's private covering letter,[3] which contemplates retaining New York as the base for coastal expeditions against New England, of which the instructions say nothing. The main upshot, however, is clear. Clinton was thrown back on the defensive, and any serious offensive would be directed against the French West Indies, indispensable to them as bases for carrying on the naval war. Since the King would not hear of frankly admitting American independence, even to concentrate against France, there was no better alternative. Provided that Sandwich's administration enabled the Navy to maintain local maritime superiority by preventing the French fleets quitting their ports unobserved and unfought, Canada, Rhode Island and New York need not fear the unassisted efforts of the Americans. Moreover, coastal expeditions against New England, if inglorious, were more likely to prove effective than capturing cities for which the Americans would not risk a decisive battle. In their farms and shipping they were vulnerable, and in advocating the extension of operations to the south, because its resources and trade were the financial mainstay of the rebellion, Germain was using an argument to which the peculiar circumstances lent some support.[4]

It was a severe winter; indeed the hardships endured at Valley Forge have become proverbial and Washington did wonders in keeping any army together. Howe has been severely criticised for leaving his enemy unmolested.[5] Had he known the plight to which Washington was reduced, he might well have risked an attack. Wellington's mid-winter pounce upon Ciudad Rodrigo in 1812 was accomplished despite very similar difficulties, but Howe lacked Wellington's readiness to run big risks for a big prize and fell far

[1] Germain to Clinton, 8 March 1777, C.O. v, 95; *George III's Letters* (ed. Donne), II, 148.
[2] Germain to Clinton, 21 March, *ibid.*
[3] *Stopford-Sackville MSS*, II, 132.
[4] *Hist. MSS Comm., Castle Howard MSS*, p. 393; Amherst's letter in *Corresp. of George III*, IV, 249.
[5] *Ibid.* IV, 345.

short of him as an organiser, while the practical difficulties of supply and transport involved in moving out in winter to Valley Forge and provisioning and sheltering the troops during the reduction of a naturally strong and well-entrenched position must not be overlooked. His inactivity would be easier to defend had he taken the field directly the weather permitted. But his failure to do this[1] and his notorious neglect of discipline suggest that he merely let things slide.

Clinton, who relieved Howe on 11 May, was hardly the man to redeem the situation. Not without capacity, though a better critic than leader, he was querulous, lacked decision and never inspired confidence in officers or men.[2] The immediate problem, complicated by the presence, as at Boston, of many Loyalists who could not be abandoned to their fellow-countrymen's tender mercies, was the evacuation of Philadelphia. Howe's inaction had allowed Washington, admirably assisted by a competent German officer, Steuben, to make great strides towards disciplining and improving his army, and with the spring its numbers also had increased enormously. But Washington had adhered rigidly to the defensive, though minor activities, mainly collisions between parties who were collecting supplies or raids on outposts and depôts, had been frequent. He was likely to be offered a chance of taking his enemy at a disadvantage, as Clinton had decided to return to New York by land and would be encumbered by a great accumulation of baggage, "in which", he wrote, "I was vulnerable". The fleet was "so much dispersed upon other necessary services" that Lord Howe could not say when an escort could be collected, and anyhow there were not enough transports for all the troops and the Loyalists.[3] Moreover, if winds were unfavourable, the move by sea might take many weeks, and with the British main body immobilised while in transit, New York, which was none too strongly held, would be exposed to Washington. Whereas the march across the Jerseys should not take over ten days and would meanwhile protect New York.[4]

Clinton, having embarked the Loyalists and all the stores he could, left Philadelphia on 18 June, and advanced steadily despite occasional opposition, making for Amboy. At Allen's Town he learned that Washington was over the Delaware and moving towards him while Gates would probably dispute the passage of the Raritan. Clinton accordingly swerved aside towards Sandy Hook, sending Knyphausen ahead with four brigades to escort his twelve miles of baggage. After allowing Knyphausen a good start Clinton had just reached Monmouth Court House when the American advanced guard under Lee appeared and opened artillery fire (27 June). Clinton promptly faced about and attacked vigorously, quickly driving Lee's men in some

[1] *Corresp. of George III*, IV, 352.

[2] Stuart, *passim*; Biddulph, "Letters 1779–1783", *Am. H.R.* XXIX; *Corresp. of George III*, IV, 367.

[3] *Castle Howard MSS*, p. 380.

[4] Clinton to Germain, 23 May and 5 June, C.O. v, 96; *Castle Howard MSS*, pp. 379–83.

disorder from two successive positions. Reinforcements from their main body enabled them to rally on rising ground behind a marsh and as his troops were exhausted by the great heat—more men died from heat-stroke than from wounds—Clinton decided not to press the attack. Accordingly he drew back to the first position captured, where he maintained himself with little difficulty till 10 p.m. when he marched off by moonlight unmolested to rejoin Knyphausen, who had made practically unimpeded progress.[1] Both sides returned about 350 casualties, the British losses including sixty deaths from heat-stroke, but Clinton, who had achieved his object and secured his retreat to Sandy Hook, had better reason for satisfaction than Washington, who had missed a promising chance. Washington was furious with Lee, accusing him of cowardice and incompetence, but Lee had at least detained Clinton and given the American main body time to get into action.

Clinton reached New York only just in time. That very day (8 July) thirteen ships of the line from Toulon under d'Estaing had arrived in the Delaware. The British Government had had warnings of the preparations in time to have intercepted d'Estaing at Gibraltar,[2] but though in March Sandwich had alleged that thirty-five of the line were ready, not even twelve could be got to sea in time, even by stripping the others,[3] and on 18 May d'Estaing passed the Straits unhindered. Delayed by the bad sailing of his ships and the need for practising manœuvres,[4] he spent another seven weeks crossing the Atlantic, and Howe had cleared the Delaware with ten days to spare. D'Estaing followed promptly to Sandy Hook, arriving on 22 July. He was greatly superior to Howe, whose squadron, being intended for service in the shallow coastal waters, contained nothing larger than sixty-four-gun ships.[5] "On our side all was at stake", wrote one Englishman. "Had the men-of-war been defeated, the transports and victuallers must have been destroyed and the Army of course must have fallen with us." Had d'Estaing dared to risk the difficulties of the navigation, he might have anticipated by three years what de Grasse achieved at Yorktown.[6] But though personally brave, d'Estaing lacked enterprise and resolution, and Howe's masterly dispositions increased the risks of an attack. The tradition in the French Navy discouraged risking ships and incurring losses to gain a decision, and d'Estaing sheered off to Rhode Island where 6000 men under Pigot were facing 10,000 Americans under Sullivan. Pigot had delayed Sullivan's preparations by several successful raids,[7] but could not prevent d'Estaing from passing into the Bay to support the

[1] Clinton to Germain, 5 July, C.O. v, 96.
[2] *Corresp. of George III*, III, 380 seqq. and IV, 90, 113.
[3] N.R.S. XXXII, p. xxvii; *George III's Letters* (ed. Donne), II, 173, 176; *Parl. Hist.* XIX, 1153 seqq.
[4] Lacour-Gayet, pp. 149 seqq.
[5] *Castle Howard MSS*, pp. 383 seqq.
[6] Castex, *Les Idées Militaires de la Marine Française au XVIIIme Siècle*, p. 238.
[7] Pigot to Clinton, 27 May, C.O. v, 96.

attack (8 August). Realising that Rhode Island would make the French a splendid base, Howe, though still weaker than d'Estaing, despite reinforcements, hastened to Pigot's help. His appearance brought the French out of the Bay at once (10 August). By clever manœuvres he avoided an unequal action but lured d'Estaing out to sea, hoping to catch him between himself and Byron's squadron, then daily expected from England.

On 11 August, however, a gale scattered both fleets, dismasting several vessels and preventing a battle.[1] Howe returned to Sandy Hook for repairs; d'Estaing, whose crippled flagship narrowly escaped capture by a British "fifty", regained Newport (19 August), but only to inform Sullivan, who had meanwhile begun siege operations against Pigot's lines, that he must retire to Boston to refit. His departure (22 August) compelled Sullivan to quit the island, not without some difficulty in keeping off Pigot's pursuit (29 August),[2] and two days later Howe arrived, bringing Clinton and 5000 men. Having missed catching Sullivan, Clinton raided the noted privateer rendezvous of Bedford successfully, destroying sixteen ships, while Howe followed d'Estaing to Boston. A fortnight later Byron reinforced the blockading squadron: notorious for his bad luck as "Foul weather Jack", Byron must have caught d'Estaing off Newport had not the gale of 11 August dispersed his fleet, and in November another gale drove him away from Boston.[3] This allowed d'Estaing to leave for the West Indies, for which 5000 British troops under Grant sailed the same day (4 November) escorted by a squadron under Commodore Hotham.

D'Estaing left his allies disappointed and furious. The honours certainly were with Howe, whose achievement in foiling every move of d'Estaing's much superior force is "unsurpassed in the annals of naval defensive warfare".[4] The credit is wholly his, for the Admiralty had neither reinforced him adequately nor penned the French up in their home ports. Mainly through administrative shortcomings[5] Byron's start had been delayed till 9 June, while the Channel Fleet, which Keppel took to sea on 12 June, only mustered twenty of the line and had to put back for reinforcements on discovering that d'Orvilliers at Brest had nearer thirty. D'Orvilliers, therefore, got to sea unwatched (8 July), but was still within 100 miles of Ushant when Keppel, making for the "Western Squadron's" traditional cruising grounds, sighted him (23 July). Several days of clever fencing ended with an encounter (27 July) in which the fleets passed on opposite tacks, the French to windward. Much damage was done: the British firing at the hulls inflicted heavy casualties,[6] the French firing at

[1] *Hist. MSS Comm., Cornwallis MSS*, p. 317.
[2] Pigot to Clinton, 31 Aug., C.O. v, 96.
[3] *Castle Howard MSS*, p. 388.
[4] Mahan, in Clowes, W. L., *History of the British Navy*, III, 411; *Cornwallis MSS*, p. 317.
[5] *Corresp. of George III*, IV, 130 seqq.
[6] *Ibid.* IV, 206.

the masts crippled their enemy's power of movement. After passing d'Orvilliers wore, hoping to cut off some disabled British ships, but thereby surrendered the weather gage to Keppel who interposed to cover his cripples and would have closed with the French had not his rear division under Palliser failed to support him. D'Orvilliers, however, made no attempt to renew the action, drawing off in the night and regaining Brest, rather pleased to have fought the old enemy and escaped a Quiberon. Keppel raged against Palliser's backwardness which had spoilt his chance of a victory, and a court martial followed.[1] This, to the general surprise, resulted in Palliser's acquittal,[2] for if Palliser justified himself by alleging that Keppel's orders were inconsistent with the necessity for keeping "the line", personal and party rancour evidently had their share in his inactivity. But Ushant, if usually reckoned "indecisive", was negatively important for the British failure to establish naval supremacy. Six of d'Orvilliers' ships were with de Grasse off Yorktown. Had Sandwich and Palliser allowed Keppel to make Ushant a victory, would the war have lasted till September 1781?

Both fleets were at sea again within a month but did not meet,[3] and with the winter the chief centre of activity shifted to the West Indies. That archipelago's great economic importance made the mastery of its waters a vital issue, and while the Americans were determined not to let the French recover Canada, their treaty stipulated that France might acquire any of the British West Indies. France had begun well by capturing the weakly-garrisoned Dominica (September 1778), Barrington and the small British squadron on the station being expressly tied down to the defence of Barbados. It was not because Barrington lacked enterprise that Dominica had gone: directly Grant and Hotham arrived from New York (10 December) he dashed at St Lucia and landed the troops who stormed the hills which overlook the main anchorages (12 December). It was a risky stroke, for d'Estaing, who had reached Martinique on 9 December, promptly hastened to St Lucia but found Barrington's seven battleships so skilfully posted across the harbour mouth that after what Grant called a "flimsy" attack he bore off.[4] Then, landing his 9000 troops, he hurled them at Grant's positions covering the harbours (18 December). Success would have involved Barrington's capture, but Grant's troops triumphantly repulsed the assault, inflicting 1600 casualties to their own 170. D'Estaing thereupon retired discomfited to Martinique leaving St Lucia in British keeping. Its capture was a model of naval and military co-operation and had considerable value, as from St Lucia the British could "look into the harbour of Martinique",[5] the French naval headquarters.

[1] *Ibid.* IV, 225 seqq.
[2] *Hist. MSS Comm., Pembroke MSS*, p. 382.
[3] *Castle Howard MSS*, pp. 370–1.
[4] Grant to Germain, C.O. v, 318.
[5] *Ibid.*

This brilliant stroke was not, however, followed up. The French islands were more strongly garrisoned than Germain's information showed and the naval superiority so indispensable to further activities against them was less well assured than Grant had been told to calculate. Byron reached St Lucia on 6 January 1779 with ten of the line, but d'Estaing avoided action till reinforced (19 February) by an equal number, while two smaller detachments arrived later, one in April, one in June. Byron's failure to intercept them was severely criticised,[1] but the calls on his squadron were heavy, and he was greatly handicapped by lack of men through sickness. He is described[2] as having "met with every neglect from home", having "a fleet to equip without stores, to victual without provisions, to man without men": indeed, he had to seek Grant's help in manning his ships.[3] Grant had been obdurate in refusing demands to detach battalions to different islands, feeling convinced that the true policy was to concentrate his troops at St Lucia in readiness to strike: he wrote to Governor Burt of St Christopher, "while we remain together we are formidable to our neighbours, but, once divided, we should be weak in every part". Byron's request was another thing: "assisting the fleet", he wrote to Germain (10 October), "was the most effectual method I could think of for protecting the islands".

In June Byron had to escort to St Christopher a great homeward-bound convoy which he could not detain longer, "both for the sake of public credit" and to avoid complaints from the merchants.[4] D'Estaing took the opportunity to capture St Vincent (18 June) and then on 2 July appeared off Georgetown, Grenada, with twenty-five of the line and 6000 troops, forcing the little garrison to capitulate just before Byron could arrive (6 July). Byron had only twenty-one of the line, but, seeing the French clustered together in the harbour he promptly attacked, hoping to catch them while still disordered. The French stood out to sea, forming line as they went, and Byron's attack, delivered precipitately and piece-meal, resulted in his leading ships engaging d'Estaing's whole fleet unsupported, so that four of them were crippled and might have been cut off. However, several ships had been beaten out of d'Estaing's line by the British gunnery and instead of pressing his advantage he stood away to rejoin them, breaking off the fight. He had 950 casualties to Byron's 550 but had secured his captures. Further operations were impossible as the "hurricane season" was approaching, indeed d'Estaing was preparing to sail for France when an urgent appeal reached him from America.

D'Estaing's departure from the American coast had left the British free to move anywhere along it, and, besides sending Grant to St Lucia, Clinton had despatched 3500 men under Colonel Archibald

[1] N.R.S. xxxii, 47.
[2] *Pembroke MSS*, p. 384.
[3] C.O. v, 318.
[4] *Ibid.*

Campbell to Georgia where, as usual, Germain expected wonders from Loyalist assistance. Since the failure against Charleston in 1776 the only fighting in the south had been a desultory warfare along the borders of East Florida, where the British cause was being successfully maintained by Colonel Prevost. Germain had originally ordered Campbell's force to the south because he feared for Florida in the likely event of Spanish intervention, but if detachments must be made, it was better to use them offensively than to lock them up in a passive defence. Campbell, a capable and enterprising officer, got quickly to work. Without waiting for Prevost he promptly attacked and took Savannah (29 December), capturing 500 of the defenders and inflicting heavy losses with under thirty casualties, while on Prevost's arrival with 1100 men all Georgia was soon reduced to subjection.[1] Lincoln with 6000 men attempted its recovery but was repulsed, being cleverly beaten at Briar's Creek (3 March). Prevost countered a second advance by a daring move against Charleston (May) which brought Lincoln back post haste, though Prevost evaded him and inflicted a sharp reverse on him at Stono Ferry (20 June).

Prevost's success and his own fears for South Carolina drove Washington to appeal to d'Estaing, who reached the coast early in September bringing with him 6000 troops. With these and Lincoln's men he proceeded to attack Savannah. His superiority to the British squadron in American waters rendered Clinton impotent to help, but Prevost and his garrison defended themselves splendidly, finally repulsing a vigorous assault so decisively (9 October) that d'Estaing raised the siege and, detaching ten of the line to the West Indies, returned home. Suffren said, "Had he only been as good a sailor as he was brave!"[2] but it was lack of resolution and enterprise rather than of seamanship which made his campaign so ineffective.

In another quarter the same hesitation and reluctance to run risks had been even more conspicuous. In June 1779 Spain had definitely ranged herself against England, and her intervention decidedly increased the strain on the already well-burdened British Navy, for the Spanish Navy, though inferior to the French in organisation and efficiency, was formidable in numbers, mustering sixty sail of the line. Gibraltar and Minorca, for whose recovery Spain had mainly entered the war, were sure to be attacked, and their defence would ultimately depend on the Navy's ability to maintain communications with them. Moreover, with most of the British army already overseas, the incentive to attempt an invasion of Great Britain was stronger than usual. In the summer of 1779 there were at home, including eight in Ireland, only twenty-one old battalions of the line, many of them recently back as skeletons from foreign service and still ineffective.

[1] Campbell to Carlisle, *Castle Howard MSS*, p. 413.
[2] Lacour-Gayet, p. 129.

The Guards, however, who had found two provisional battalions for service in America, provided a solid body of infantry, and only two of the twenty-seven cavalry regiments were overseas, while the twenty battalions whose formation had been authorised after Saratoga could now be reckoned effective, and most of the militia had been embodied in 1778 and had been some months under arms. Germain indeed informed Clinton that home defence had never been "so well provided for",[1] but the fear of invasion had already caused the detention at home of most of the reinforcements Clinton was expecting and thereby kept him inactive in the summer of 1779.

Warding off invasion was primarily a naval problem. Could the French and Spanish fleets be prevented from uniting, the French would hardly risk in the Channel the 50,000 troops who had been collected between Havre and St Malo, especially as a British squadron was cruising off Cherbourg and Havre and greatly impeding coastwise traffic.[2] To prevent the junction the Channel fleet must be at sea early in the year and off Brest before the Brest fleet could get out. The situation called clearly for the maintenance, during the summer at least, of Hawke's "close blockade" of Brest, for the objection that by keeping the enemy in port this system reduced the chances of victory in battle did not apply when to prevent his putting to sea was the chief need. But Sandwich's administration was unequal to getting the Channel fleet to sea in time, and, to make things worse, the Keppel-Palliser controversy had so accentuated party feeling that no prominent admiral would take command. Ultimately the veteran Sir Charles Hardy was persuaded, but he was quite unequal to the task:[3] Kempenfelt, his flag-captain, described him as one "who never thinks beforehand" and who had in him "not one grain of the commander-in-chief". Fortunately for England Hardy had Kempenfelt to assist him and confronted septuagenarians in d'Orvilliers and Cordova.

Hardy with thirty-five of the line left Spithead on 16 June, a fortnight after d'Orvilliers with twenty-eight had left Brest for the Sisargas Islands, twenty miles west of Corunna. At this rendezvous the French spent six inactive weeks waiting for the Spaniards.[4] The haste with which the fleet had been hurried to sea and the drain which this delay imposed on its supplies did not improve its efficiency, and when Cordova at last arrived (23 July) the Spaniards' unfamiliarity with the French signals and manœuvres complicated matters.[5] Contrary winds then retarded their progress northward, and not till 14 August were they off the Lizard, where they interposed between Plymouth and Hardy who was cruising in "the Soundings", southwest of the Scillies.

[1] *Stopford-Sackville MSS*, II, 143.
[2] Lacour-Gayet, p. 264.
[3] *Pembroke MSS*, p. 382; *Cornwallis MSS*, p. 322.
[4] *Corresp. of George III*, IV, 378.
[5] Lacour-Gayet, p. 260.

Could Hardy have known how long d'Orvilliers would have to await Cordova, he might well have followed him to the Sisargas and forced battle on him: now, when facing double his numbers, it was essential to avoid close action yet keep near enough to the enemy to prevent them detaching ships up Channel to cover the passage of the transports. The situation resembled that which Torrington had faced in 1690, and Kempenfelt's correspondence[1] shows clearly that he had grasped Torrington's idea of the preventive possibilities of a "fleet in being". The allies' proceedings were marked by indecision. Never again were they to have such a chance of invading England, but their aged admirals were timid and sluggish and dominated by unsound strategical doctrines.[2] They made no serious effort to seek out Hardy and crush him or drive him right away: they did not venture to detach a covering squadron, and after an easterly gale had driven them out of the Channel, they let Hardy, whom they sighted off the Scillies (31 August), slip past them up Channel to Spithead,[3] thereby placing himself in position to watch the transports. Thereupon they abandoned the enterprise, the French and twenty-one Spaniards retiring into Brest (14 September), the remaining Spaniards returning to blockade Gibraltar, an occupation they would all along have preferred.[4] Spanish lukewarmness was only one cause of the combined fleet's ineffectiveness: too large and heterogeneous to be manageable, its internal condition had been deplorable. Epidemics, due to bad sanitation and provisions, had ravaged it; indeed North said afterwards that had Hardy known his enemy's plight he would have sought an action: there were men in his fleet like Jervis and Duncan, who were longing to fight and confident of success,[5] but the British fleet's condition was none too good. Worn-out vessels had been hastily commissioned when fitter to be condemned, four which joined Hardy in September were nicknamed the "Provincial ships", because it was said that one could only reach the Hampshire coast, another that of Dorset.[6] If England escaped invasion in 1779, Sandwich can claim little credit.

The attack on Gibraltar had virtually begun in June when a blockade was established by sea and land. No attack was attempted, but supplies soon began to fail, and Rodney, who had been selected for the West Indian command, was ordered to relieve Gibraltar on his way thither. He was given twenty-two of the line, and, though burdened with large "trades" for Portugal and the West Indies besides convoys for Gibraltar and Minorca, discharged his task with conspicuous success. Sailing on 29 December, after encountering vexatious delays and obstructions,[7] he captured off Cape Finisterre several Spanish store-ships with their escort, including a battleship

[1] N.R.S. xxxii, 290–313.
[2] Castex, *passim*, esp. p. 65.
[3] *Corresp. of George III*, iv, 419 seqq.
[4] Lacour-Gayet, p. 246.
[5] *Corresp. of George III*, iv, 424.
[6] *Ibid.* p. 439; *Pembroke MSS*, p. 381.
[7] *Stopford-Sackville MSS*, ii, 150.

(8 January): a week later (16 January) off Cape St Vincent he sighted eleven of the line who promptly made for Cadiz. Rodney signalled a "general chase", ordering his captains to engage to leeward as they got up, regardless of "the line", and by 4 p.m. the leading pursuers, foremost among them Duncan, were in action. Neither night nor bad weather stopped the fight: by 2 a.m. five Spaniards had struck and three others had sunk. "The Moonlight Battle" was the first real victory of the war at sea, and, if the odds had greatly favoured Rodney, it was a useful success, much enhanced by the promptness and resolution of the chase.

Rodney could thus revictual both Gibraltar and Minorca, Cordova's twenty-four sail lying inactive in Cadiz. On 13 February he started for the West Indies with four of the line, Digby taking the rest back to the Channel, capturing on the way part of a French convoy bound for Mauritius. For the rest of the year little happened in home waters. Half the Brest fleet, under de Guichen, an abler and more experienced officer than d'Estaing, had sailed on 3 February for the West Indies, the rest, fifteen of the line, remained mostly quiescent, while the Spaniards concentrated their forces and their attention on Gibraltar. The British Channel fleet, about thirty strong, cruised somewhat aimlessly[1] near the mouth of the Channel, and even failed to prevent the allies capturing most of a big West Indian convoy.

Further afield, 1780 witnessed greater activity. Clinton, after parting reluctantly with Grant and Campbell, had asked leave to resign rather than "remain a mournful witness of the debility of an army at whose head, had I been unshackled by instructions, I might have indulged expectations of rendering serious service".[2] He had complained especially of having to part with British units, "the very nerves of this army", and had sent to Florida Germans and Provincials "whose loss will not be so much felt". Germain had refused to let him resign, promised him reinforcements and disclaimed any wish to shackle him (3 December), but the reinforcements were slow to appear and without them Clinton's activities in 1779 had been limited to making raids which achieved considerable success in destroying stores and shipping. In May he attacked and took two forts on the Hudson at Verplanck's Point and Stony Point, hoping "to stir Mr Washington" and bring on a general action,[3] but without the promised reinforcements he could not follow up the blow,[4] while Washington was not to be drawn, and even surprised and re-took Stony Point (16 July), evacuating it again at once. Despairing of forcing battle on his cautious and elusive adversary,[5] Clinton turned his thoughts towards the south, where Germain was

[1] N.R.S. xxxii, 326.
[2] Clinton to Germain, 8 Oct. 1778, C.O. v, 96.
[3] *Ibid.* 10 June 1779, C.O. v, 98.
[4] *Ibid.* 25 July 1779.
[5] *Ibid.* 21 Aug. 1779.

as usual expecting "revolutions by means of friends to the British Government".[1] The belated reinforcements arrived on 25 August with a new admiral, Arbuthnot, but shortly afterwards came the news of d'Estaing's appearance off Savannah, and in face of his superiority Clinton could only stand on the defensive. He seized the occasion, however, to evacuate Rhode Island, a step Rodney was to condemn next year as "the most fatal measure that could have been taken",[2] though it added 4000 men to the available field force. In the middle of November d'Estaing's defeat and departure were reported, and with the seas thus cleared Clinton sailed for South Carolina on 26 December 1779 with 8000 men.

Bad weather delayed his voyage and it was February 1780 before he landed, thirty miles from Charleston, and 29 March before he really began his attack. Well supported by the Navy[3] Clinton pressed Charleston hard: Huger's cavalry, who were keeping open its communications, were routed on 12 April by Clinton's light troops under Tarleton, a brilliant if erratic leader; Fort Moultrie was taken on 6 May and five days later Charleston capitulated, over 6000 combatants becoming prisoners of war.[4] But Clinton could not pursue this success; rumours that French troops were bound for America made him nervous for New York[5] and compelled his return thither with 4000 men (5 June), leaving Cornwallis to command in the south with 8000 men all told, none too many for his task, for as in Spain conquests were easier to make than to retain, and the more territory the British recovered the more their offensive power was reduced.

At first, however, things went well. Tarleton routed the only organised force still in the field (29 May), and when the hot season stopped operations South Carolina seemed secured. But before major operations could be resumed sporadic opposition had developed, and when, in August, Gates led 2000 "Continentals" whom Washington had detached to the south into South Carolina his advance, in Rawdon's words,[6] "unveiled to us a fund of disaffection of which we could have formed no idea": many who had joined the militia mainly to obtain arms and ammunition deserted and guerrilla bands appeared everywhere. Sickness and the necessity of garrisoning various posts prevented Cornwallis from collecting more than 2200 men, whereas Gates had twice that force and was believed to have 7000. Nothing daunted, Cornwallis advanced and, meeting Gates near Camden (16 August), attacked and routed him completely, taking 1000 prisoners and seven guns and inflicting another 1000 casualties, his own loss being only 300. Two days later Tarleton

[1] Germain to Clinton, 25 Aug. 1779, C.O. v, 98.
[2] *Stopford-Sackville MSS*, II, 101.
[3] Stuart, p. 168.
[4] Biddulph Papers (*Am. H.R.* XXIX) and Russell's "Journal" (*Am. H.R.* IV).
[5] Clinton to Germain, 14 May, 1780, C.O. v, 99.
[6] Stevens, B. F., *Clinton-Cornwallis Controversy*, I, 272.

surprised and routed Sumter, the most troublesome of the guerrilla leaders, and Cornwallis, greatly encouraged, entered North Carolina, simultaneously urging Clinton to take its defences in the rear by a diversion against Virginia. He had penetrated to Charlottetown, despite considerable guerrilla opposition, when he learned that on 6 October 1100 of his light troops under Major Ferguson, an able leader, in trying to cut off a party which had attacked the British outpost at Augusta, had been routed at King's Mountain by overwhelming numbers of riflemen from the backwoods. This reverse drove Cornwallis back towards Camden. Not only was his invasion of North Carolina checked, but the hostile elements in the occupied territories were greatly encouraged, and the guerrillas redoubled their activities. The invasion of the southern colonies seemed to be merely increasing the demands on the army; yet in default of vital points in the American position for which Washington must risk a decisive action, it is hard to suggest a more effective alternative policy: Cornwallis's operations had at least reduced the area from which crops could be exported to Europe to maintain American credit and purchase munitions.

So unpromising indeed were the American prospects at this juncture that in May 1780 the French, believing that the American cause was nearly collapsing for want of troops,[1] decided to despatch 6000 men under Rochambeau to America. The British Admiralty, though warned of Rochambeau's destination, failed to intercept the convoy, which had only seven sail of the line under de Ternay as its escort, and its safe arrival at Newport (12 July) rendered Clinton's situation far more anxious than when New York had only Washington to fear. However, before Rochambeau could join Washington, reinforcements from England enabled Arbuthnot to blockade Newport with ten battleships (21 July), while Clinton at once collected 6000 men to attack Rhode Island. But Arbuthnot and Clinton were on bad terms, delays over the transports gave Rochambeau time to secure himself against a *coup de main*[2] and Washington meanwhile had concentrated his forces and was threatening Kingsbridge. But clearly it was Arbuthnot's dilatoriness and obstruction,[3] rather than fear of Washington, that made Clinton abandon the attack on Rochambeau and return to New York to betake himself to his correspondence with Arnold, now in command at West Point, which important post he was for private reasons prepared to betray. These negotiations were still in progress when Rodney unexpectedly arrived at New York (16 September) with ten sail of the line from the West Indies.

Rodney had passed a disappointing summer in the West Indies.

[1] Chevalier, I, 195.
[2] Clinton to Germain, 14 Aug. 1780, C.O. v, 100.
[3] Biddulph Papers; Clinton to Germain, 25 Aug. 1780, C.O. v, 100.

He had reached St Lucia (28 March) only a week behind de Guichen. On 13 April de Guichen left Martinique with twenty-three of the line carrying 3000 troops, hoping to reach Barbados while Rodney was still to leeward. But from St Lucia Martinique was easily watched and Rodney promptly got to sea, and by skilful seamanship gained the weather gage. On 17 April he was bearing down with his whole fleet concentrated against de Guichen's rear, the latter's van being to leeward and impotent to help. But Rodney's highly skilful tactics were too novel for some of his subordinates, whose ideas were fettered by the "Fighting Instructions", and their failure to understand his signals spoilt a brilliant manœuvre. The attack became hopelessly disjointed, and de Guichen realising his danger quickly broke off the action. His casualties were double Rodney's, but his fleet was intact, whereas had Rodney's orders been properly executed de Guichen must have been badly beaten. Twice more (15 and 19 May) Rodney managed to engage him: he had drilled his fleet now and there was no misunderstanding of orders, but de Guichen was a wary tactician and a good seaman, and, greatly aided on 15 May by a timely shift of wind,[1] persistently evaded close action. In June a Spanish fleet reached Guadeloupe from Cadiz with 10,000 troops intended for the capture of Jamaica, but the Spaniards were hopelessly ineffective owing to epidemics and went tamely on to Havana; when the hurricane season came de Guichen, deaf to Washington's appeals, sailed for Europe with two-thirds of his fleet (16 August). If he had preserved his fleet, Rodney had effectually checked his designs on the British islands.

Rodney's arrival at New York was a bitter blow to Washington who had been hoping instead to see de Guichen appear. It established the British naval supremacy solidly on the American coast and put an end to any danger to New York.[2] It shows Rodney at his best as a strategist: looking beyond the local needs of his own command, and rightly disregarding its technical limits, he had carried his ships to the place where he judged that they were most needed. Unfortunately for England, when it came to being ready to sacrifice ships in forcing the passage into Newport Harbour in order to destroy de Ternay, Rodney flinched. Rochambeau had made Newport so strong that Young, Rodney's flag captain, wrote, "The favourable opportunity has been lost. I am heartily sorry we were not on the coast a fortnight sooner".[3] Still, the passage had been wide enough for d'Estaing, while de Ternay's destruction must have involved Rochambeau's surrender and was well worth the loss of several ships.[4] A successful combined naval and military attack might have changed the fate of the war, but Rodney would not risk it, and Clinton was always too weak to afford heavy casualties.

[1] N.R.S. xxxii, 58.
[2] *Ibid.* xxxii, 79.
[3] *Ibid.*
[4] Lacour-Gayet, p. 354.

Rodney returned to the West Indies (November 1780) to find that an unusually violent hurricane season had cost both British and French three battleships and swept the islands bare, greatly delaying any resumption of active operations. In December, however, news arrived of the British declaration of war against Holland (December). This was the chief outcome of the recent formation of the Armed Neutrality to oppose the British doctrines as to the right of search, contraband of war and other disputed points. Holland, no longer formidable at sea, was less troublesome as a declared enemy than as a very nominal neutral.[1] For months past the Dutch island of St Eustatius had been the centre from which both French and Americans had conducted an extensive trade under cover of the Dutch flag, and its capture (3 February 1781) yielded an enormous booty and revealed how flagrantly Dutch neutrality had been abused.[2] Rodney exulted over "the severest blow that could have been given America",[3] but St Eustatius led him to his most serious professional blunder.[4] De Grasse was known to be coming out with reinforcements, and had Rodney concentrated all his twenty-one sail of the line to windward of Martinique, where the French would probably make their landfall, he might have beaten them before they could join their small squadron in Fort Royal. But instead, Rodney remained at St Eustatius with several ships and kept the remainder under Hood off Fort Royal[5] to prevent the Fort Royal ships from descending on St Eustatius. "Never", wrote Hood, "was squadron so unmeaningly stationed." Outnumbered and to leeward he could do little when on 28 April de Grasse appeared.[6] De Grasse might have crushed Hood's inferior force but avoided close action and contented himself with reaching Fort Royal, whereupon Hood drew off to rejoin Rodney.

De Grasse had been lucky already. As he was leaving Brest (22 March 1781) with twenty-six sail of the line, Darby with twenty-eight was on his way to Gibraltar, now in serious straits for food,[7] while the Spaniards had recently converted their blockade on the landward side into a definite attack. Darby and de Grasse passed within 100 miles without either attempting to seek the other out, when a victory might have decided far more than the fate of their immediate errands.[8] Darby indeed apparently deliberately avoided meeting de Grasse lest he should drive him to join Cordova, then covering the attack on Gibraltar from Cadiz[9] with thirty-six of the line. Cordova, however, remained inert while Darby brought his victuallers and store-ships into Gibraltar on 12 April, returning thereafter uneventfully to England. Meanwhile de Grasse, who had detached a squadron

[1] *Dartmouth MSS*, III, 246; Renaut, F. P., *Les Provinces Unies et la Guerre d'Amérique* (1924), chaps. vii–xv.
[2] *Stopford-Sackville MSS*, II, 202.
[3] *Ibid.*
[4] Mahan, *Types of Naval Officers*, pp. 217 seqq.
[5] N.R.S. XXXII, 93.
[6] *Ibid.* III, 24.
[7] Drinkwater, *Siege of Gibraltar*, chaps. iv and v.
[8] Castex, p. 290.
[9] N.R.S. XXXII, 33.

under Suffren to the Cape and East Indies (29 March), made an unusually rapid passage to Martinique, where his safe arrival not merely challenged Rodney's supremacy in West Indian waters but was to prove a turning point in the war.

The crisis in America was indeed at hand. Washington was hard pressed to keep his army together and maintain the struggle. There had been two serious mutinies among his "Continentals", whose pay was many months in arrears and whose clothing and equipment were in a deplorable state. He had no money, he was short of supplies and ammunition; desertion had thinned his ranks. Rochambeau's inactivity had caused disappointment and grumbling, though his presence at Newport had imposed a severe restraint on Clinton and prevented him from profiting by Washington's difficulties, while the position of de Ternay's squadron justified Arbuthnot in disobeying Rodney's orders to detach ships to the West Indies, Clinton insisting that the army's situation would not allow of it.[1] Even so Washington wrote, in April 1781, "we are at the end of our tether, now or never our deliverance must come".[2]

The movement from which the decision resulted started in the south. After his retreat in October 1780 Cornwallis remained inactive for some weeks, considerably harassed by the guerrillas whom success at King's Mountain had greatly emboldened. Moreover Greene, Washington's ablest subordinate, had superseded the discredited Gates, had rallied and reorganised the remains of his army, and, while avoiding action, had prevented Cornwallis from setting systematically about suppressing the guerrillas. In December Cornwallis was joined by 2500 men under Leslie whom Clinton had sent to the Chesapeake in October to serve as a diversion to favour Cornwallis and to carry on the policy, already proving effective, of destroying the enemy's resources.[3] Cornwallis had, however, summoned Leslie to Carolina, intending on his arrival to resume the offensive. Clinton, meanwhile, having abandoned hopes of decisive action in the north, after Major André's capture had disclosed the plot with Arnold, spared no effort to assist Cornwallis, and not only approved Leslie's transfer,[4] but further diminished the New York garrison by sending 1600 men under Arnold to the Chesapeake. Arnold landed at Jamestown on 20 December, raided Richmond and did so much damage generally that Washington sent Lafayette with 1200 men to tackle him and persuaded Rochambeau to detach 1200 Frenchmen to support Lafayette. To carry them thither Destouches, who had succeeded de Ternay, left Newport (8 March), but was followed and overtaken by Arbuthnot. Tactically, their encounter off the Chesapeake (16 March) was indecisive, for Destouches, who was being worsted, managed to break off, but his retreat to Newport left

[1] Cf. Clinton to Germain, 16 Dec., C.O. v, 101.
[2] *Works*, VIII, 7.
[3] Stevens, I, 270.
[4] *Ibid.* I, 294.

the British in control of the coastal communications and allowed another 2500 men to be sent to Virginia. Still Clinton was determined not to embark on "solid" operations in Virginia, unless assured of naval supremacy and strongly reinforced,[1] and his instructions definitely limited the raiding and produce-destroying detachments he had already sent there[2] to occupying a station in the Chesapeake as a local base for the Navy.

But it was to "solid" operations in Virginia that the British were to be committed. Cornwallis had advanced northwards in January to intercept a force under Morgan which was threatening the British posts west of Camden. Morgan promptly retreated, closely pursued by Tarleton and the light troops, who overtook him at Cowpens (17 January 1781) and seemed to have beaten him when an unexpected counter-stroke caught the British troops disordered by success and changed their victory into defeat. Cornwallis narrowly missed retrieving Cowpens by catching Morgan, who just evaded him and rejoined Greene. Though thus deprived of his light troops, Cornwallis nevertheless continued his projected invasion of North Carolina and, forcing the passage of the Catawba (1 February), advanced boldly north-east, Greene conducting a skilful retreat into Virginia without being brought to action. Cornwallis, his men exhausted by their exertions, retired to Hillsborough and endeavoured rather unsuccessfully to gather recruits from the local Loyalists. Greene meanwhile collected large reinforcements from Virginia and ventured to advance, thinking to catch Cornwallis at a disadvantage.[3] His challenge was promptly accepted and on 15 March a desperately contested action at Guildford saw Greene well beaten, though he had been strongly posted and had double Cornwallis's numbers. Greene's defeat was a great achievement, but left Cornwallis so crippled by casualties that he had reluctantly to retreat. Rather, however, than admit failure by retiring into South Carolina he moved south-east to Wilmington, exposing South Carolina to Greene who instead of pursuing him marched promptly into that province.

Cornwallis had been specifically instructed to do nothing to imperil Charleston[4] and in deciding, despite Greene's invasion of South Carolina, to push on into Virginia he was incurring a grave responsibility. He had come to the conclusion[5] that Virginia was the key to the final subjugation of the Carolinas and that to invade it would be the best parry to Greene's move: while Germain, over-confident as usual, assumed that Cornwallis had quite secured the Carolinas and could safely proceed to Virginia, from the reduction of which he anticipated decisive results.[6] Accordingly, on 25 April, Cornwallis

[1] Stevens, I, 341, 373, 390.
[2] *Ibid.* I, 347.
[3] Rawdon to Clinton, 23 March 1780, *Royal Institution MSS*, II, 260.
[4] Stevens, I, 215.
[5] Cornwallis to Clinton, 10 April, to Germain, 18 April, Stevens, I, 395, 414.
[6] Germain to Cornwallis, 7 March, Stevens, I, 334.

left Wilmington and on 20 May joined Arnold at Petersburg. But having reached Virginia he hardly made the most of his chances. He considerably outnumbered his immediate opponent, Lafayette, for Clinton, though strongly disapproving of Cornwallis's leaving the Carolinas,[1] had sent another 1700 men to Virginia, increasing Cornwallis's force to over 7000. However, Cornwallis neither brought Lafayette to action nor intercepted 1000 men who reinforced him early in June. He had sneered at Clinton's policy of destroying hogsheads of tobacco and bales of cotton, but he himself accomplished little more. His operations certainly had no effect on Greene who, though defeated by Rawdon in a desperate struggle at Hobkirk's Hill near Camden (25 April), made steady progress in South Carolina where many inhabitants joined him, while Rawdon, whose scanty force was quite unequal to protecting so extensive an area, could not prevent the fall of post after post and was hard pressed to cover Charleston.[2]

Clinton had always realised that operations in the Chesapeake could "no longer be secure than whilst we are superior at sea",[3] but in June letters from Washington to Lafayette were intercepted[4] which showed that Washington was contemplating an attack on New York to profit by the large detachments Clinton had made. Clinton thereupon ordered Cornwallis to send him back all the troops he could spare after securing the post in the Chesapeake which the Navy considered essential.[5] Cornwallis accordingly retired towards Portsmouth, but managed to trap Lafayette into attacking his rearguard (6 July), and beat him soundly, though Lafayette escaped destruction by retreating. After reaching Portsmouth Cornwallis received further letters from Clinton which permitted him to retain his whole force in Virginia and left him quite free to select a defensive position.[6] In making this change Clinton was influenced by Germain's definite instructions of 2 May, which he had just received, not to withdraw any troops from Virginia: he therefore acquiesced in Cornwallis's remaining there during the sickly season, after which he intended going to Virginia himself with every available man.[7] Accordingly, Cornwallis, preferring Yorktown to any other station, moved thither and by 22 August was preparing a defensive position. A week later twenty-eight French sail of the line entered the Chesapeake and anchored in Lynnhaven Bay, promptly disembarking 3000 troops to reinforce Lafayette.

The new-comers were de Grasse's fleet. He had spent the summer in foiling Rodney's efforts to bring him to action, and, though repulsed from St Lucia, had snapped up the less important Tobago

[1] Clinton to Germain, 22 May, Stevens, I, 478.
[2] Stevens, I, 480–6; Biddulph Papers.
[3] Stevens, I, 497.
[4] *Ibid.* I, 500, 505.
[5] *Ibid.* II, 63.
[6] *Ibid.* II, 77.
[7] *Ibid.* II, 53.

(2 June). Rodney, through ill-health and undue care for St Eustatius, was below his best: a prompter move to Tobago must have caught the French troops unprotected,[1] and he failed to keep close touch with de Grasse who sailed early in July to Cap François in San Domingo to find emphatic and urgent appeals for immediate help awaiting him from Washington. De Grasse, who had been deliberately refusing battle to keep his fleet intact for some such occasion as this, started promptly for the American coast with every available ship and soldier, refusing to detach any ships to convoy the homeward-bound "trade" which he ordered to remain at Cap François, a step on which no British admiral would have ventured for political reasons.

His move was not unexpected, but both Clinton and Germain looked for Rodney to follow de Grasse closely enough to make the British position secure.[2] Still, it was for New York Clinton expected de Grasse to make,[3] and Washington had at first intended attacking there. He moved down from the Highlands to Dobb's Ferry, was joined by Rochambeau (6 July), and skirmished ineffectually with Clinton's outposts. Then, learning (14 August) that de Grasse was making for the Chesapeake, he decided, by some accounts at Rochambeau's prompting, to march thither and fall on Cornwallis, whose position and force were far weaker than Clinton's. On 21 August the allies started their southward march. Not for a fortnight could Clinton discover (2 September) their destination, and as yet he had no news of de Grasse. A French squadron was known to be at sea but it was only the Newport ships under de Barras, who, taking with him the French siege-train, had slipped out (27 August), because Graves, Arbuthnot's successor, had gone to Boston to intercept a French convoy. To deal with de Barras Graves sailed again from Sandy Hook for the Chesapeake (31 August) with nineteen of the line, including Hood's squadron, which had arrived three days earlier from the West Indies. Hood had brought only fourteen ships against de Grasse's twenty-eight, because Rodney, who had gone home sick, had taken four ships with him to escort "the trade" and sent two on convoy duty to Jamaica, where Sir Peter Parker detained them.

When, on 5 September, Graves arrived off Cape Henry he at first mistook de Grasse, of whose arrival he was ignorant, for de Barras. However, despite de Grasse's numbers, he never hesitated but bore down to engage. He had the wind; the French, who were in no order, had to stand out to sea to form line ahead, and had he immediately attacked their leading ships, using his centre and rear to fend off those still to leeward, de Grasse might have found it hard to utilise his superiority. But Graves not only failed to close promptly with the French van, he hove to, so that the two fleets might get into line opposite each other, and when he attacked he hoisted conflicting

[1] N.R.S. III, 20, XXXII, 98. [2] Stevens, II, 43 and 55. [3] *Ibid.* II, 122.

signals which completely puzzled Hood and the rear division.[1] Graves had recently served in the Channel fleet where, under Kempenfelt's auspices, new signals and new tactics were being tried[2] with which his subordinates were unfamiliar, and the result was misunderstanding; ultimately after a partial engagement the French drew off, leaving Graves with several cripples.

For some days both fleets remained outside the Chesapeake, de Grasse despite his superiority making no attempt to attack when he had the wind. Hood begged Graves to enter the Chesapeake and occupy de Grasse's anchorage, thereby opening communications with Cornwallis who might have been embarked if necessary. Hood was to accomplish a similar feat against the same opponent a few months later and might well have baffled de Grasse now, but Graves would not risk it; on 12 September de Grasse, having successfully covered de Barras' entry, went into the Chesapeake, and Graves could only retire to New York to refit and obtain reinforcements. Three days later Washington joined Lafayette at Williamsburg and on 21 September Cornwallis and his 7000 men, including 2000 sick, were invested in Yorktown by 8000 Frenchmen and rather more Americans.

Cornwallis's inactivity since de Grasse's arrival is puzzling. A prompt attack on Lafayette and the troops from the West Indies, in which the quality and numbers of his troops would have favoured him[3], would have taken his enemies in detail: the expedient of a retreat into Carolina, which was still open when he heard of Washington's arrival at Baltimore, would have involved sacrificing sick and baggage, but would have been preferable to losing the whole force. Apparently he expected speedy relief,[4] though Clinton's promise had been conditional on the naval situation.[5] What is harder to explain is his evacuation (29 September) of his outer works which were stronger than the inner defences[6] and certainly commanded them. The French engineers and artillerymen made good use of this ground, opened the bombardment on 9 October, and maintained it with such effect that on 19 October Cornwallis capitulated.

That very day Clinton left Sandy Hook with 5000 men escorted by twenty-five of the line. Arriving off the Chesapeake on 24 October he found himself too late, so promptly returned to New York, against which he expected Washington to turn his arms. Washington wanted to do this, but could not persuade de Grasse to join in any further enterprises in America:[7] he was itching to return to the West Indies to complete the conquest of the British islands. With his departure (5 November) serious operations in America ended: Washington dared not venture to attack New York, Canada remained unmolested,

[1] N.R.S. III, 32, 45–7.
[2] *Ibid.* XXXV, 54–8.
[3] Tarleton, p. 268.
[4] Stevens, II, 206.
[5] *Ibid.* II, 153.
[6] Tarleton, p. 274.
[7] Lacour-Gayet, p. 513.

and, even in the south, Greene, after getting slightly the worst of a sharp encounter at Eutaw Springs (8 September), contented himself with confining the British to the outskirts of Charleston and Savannah and left East Florida unmolested. West Florida had already passed into Spanish hands, vastly superior forces having descended on Pensacola and compelled Campbell to capitulate (May 1781).

In Europe and the East and West Indies, however, hostilities were far from over. The East Indies indeed only became really involved in the main war in 1782. Heavy fighting had been going on in India since the outbreak in 1775 of war with the Marathas, but, though Hastings had always been nervous of French intervention, the weak French squadron in Indian waters had retired to Mauritius in August 1778, leaving their settlements to be reduced by the British. The capture of one of these, Mahé, had contributed to embroil the British with Hyder Ali of Mysore, but in January 1781 though a French squadron made an ineffective appearance off the Carnatic, in the campaign in which Coote thrice defeated Hyder and restored the situation so gravely imperilled by Baillie's disaster at Perambakam (September 1780), the British command of the sea was unchallenged and a potent assistance to the army. Up to the end of 1781 only one King's regiment had as yet reinforced the Company's troops, but early in 1781 four battalions were despatched to India, escorted by a squadron under Commodore Johnstone. This force was to have captured the Cape of Good Hope, but was baulked by Suffren and the squadron which had left Brest with de Grasse that March. Coming upon Johnstone in a neutral harbour in the Cape Verde Islands Suffren promptly attacked (16 April) and, though beaten off, inflicted damages which prevented Johnstone reaching the Cape before him. Johnstone, therefore, abandoned the design but carried his troops on to Bombay unmolested by Suffren.

Suffren's arrival in Indian waters (February 1782) altered the situation completely. He never really defeated his stout-hearted opponent, Hughes, in any of the severe actions which they fought, four in 1782, one in 1783, but his presence seriously hampered the British forces in the Carnatic who depended largely on the fleet for their power to move. Still, great as were the perils through which Hastings and Coote successfully steered the British power in India between 1778 and 1783, the East Indies were only a backwater, absorbing too little of the belligerents' resources to influence the main struggle appreciably.

After Darby's relief of Gibraltar the French had contemplated uniting the Dutch and Spaniards with the Brest fleet to cover an invasion of England, but the Dutch would not risk the voyage down Channel: their main squadron, when taking a convoy to the Baltic, fell in off the Dogger Bank (3 August) with Hyde Parker, who with eight worn-out ships was escorting a homeward-bound convoy. A

desperate contest ended in Parker bringing in his charge safely while the Dutch convoy abandoned its voyage. In August a combined fleet of forty-nine sail including thirty-one Spaniards appeared at the mouth of the Channel, compelling Darby who had only thirty to take refuge in Torbay; its commander, Cordova, would not venture to attack him there and the Spaniards soon departed for Cadiz (5 September). The sole use they had made of their naval superiority was to despatch to Minorca an expedition from Cadiz (August 1781), subsequently reinforced by 4000 Frenchmen. Minorca had only a tiny garrison under Murray, one of Wolfe's Quebec brigadiers, but it resisted stubbornly for seven months, succumbing (February 1782) to scurvy rather than to its besiegers. Harder to relieve than Gibraltar because farther away, Minorca might well have been evacuated when Rodney relieved it: its retention had not served, as did that of Gibraltar, to distract the naval forces of France and Spain from their true objective.

More influential than the fate of Minorca was that of a convoy laden with troops and stores for the West Indies, which left Brest in December 1781, escorted by de Guichen with nineteen of the line. To intercept it Kempenfelt was sent out, though only twelve of the line could be found for him; for the lack of timber and other naval stores, both from New England and the Baltic lands, was by this time severely crippling the Navy.[1] However, on encountering de Guichen (12 December), he found himself with the wind in his favour while de Guichen, who had negligently fallen to leeward, was impotent when Kempenfelt's prompt attack dispersed the convoy, taking fifteen ships with 1000 soldiers. Most of the rest returned to Brest with de Guichen, very few ever reaching their destination. It was a masterly stroke and deprived de Grasse of urgently needed stores.

De Grasse had been back in the West Indies by 26 November, and, finding himself in considerable superiority, started operations against the British islands. De Bouillé had already recovered St Eustatius and was anxious to attack Barbados, but the French found it hard to beat to windward, so, changing their quarry, they descended upon St Christopher (9 January 1782). The little British garrison resisted stoutly at Brimstone Hill, and Hood, though he had only twenty-two of the line to de Grasse's twenty-nine, hurried to its help. By brilliant seamanship and daring tactics he drew de Grasse out of Basse Terre roads, and, going boldly in, took up an anchorage (25 January). He thus interposed between de Grasse and the French troops and could land a relieving force. But although considerable reinforcements had reached the West Indies in 1780 they had been scattered over the islands, and an unusually sickly season had thinned their numbers: Hood could oppose only 2400 men to de Bouillé's 6000, and they

[1] N.R.S. xxxii, 351 seqq. and xxxviii, 75–6; Albion, R. G., *Forests and Sea Power*, chap. vii.

were powerless to avert the garrison's surrender (23 February), whereupon Hood, who had repulsed several attacks on his anchored line, slipped out by night as neatly as he had got in. If he had not saved St Christopher's, his skill and daring had restored the confidence of his fleet.[1]

De Grasse had soon cause to regret his failure to crush Hood. On 19 February Rodney reached Barbados from England with twelve of the line, and though he failed to prevent an important convoy from Brest reaching Martinique with 6000 troops (20 March),[2] he maintained a close watch on Fort Royal from St Lucia. Thus when, on 8 April, de Grasse put to sea with a large convoy for Cap François, there to unite with a Spanish contingent to attack Jamaica, nearly as much coveted by the Spaniards as Gibraltar, Rodney was after him at once. Hampered by his transports de Grasse could not give Rodney the slip, and on 9 April the fleets were in contact. A partial action followed; the French had a chance of catching the British van unsupported,[3] but they played their usual game of avoiding close action, due partly to a well-grounded respect for British gunnery.[4] Two days later Rodney got his chance (12 April). To save a ship crippled in a collision de Grasse had to close, and as the fleets were passing on opposite tacks near the Saints, some islets near Dominica, the British being to leeward, a sudden shift of wind enabled them to break through the French line in two places and get to windward. Rodney's "breaking the line" was probably unpremeditated, indeed, the suggestion was almost certainly pressed upon him by Douglas, his flag-captain, but it was most effective. The French were separated into three disordered groups and suffered terribly from the British guns. De Grasse himself was taken with four other ships, and if Rodney's over-caution, so remorselessly criticised by Hood,[5] allowed the rest to make Cap François with little further loss, when another dozen prizes must have rewarded a vigorous pursuit, the battle had shattered the nerve of the French and restored the British reputation,[6] thus achieving decisive results. By the end of May the French had rallied twenty-five of the line at Cap François and recovered touch with their convoy, while fifteen Spaniards with 12,000 troops had joined them: however, recollections of 12 April deterred them from venturing to attack Jamaica, and in July the French fleet went off to the American coast to avoid the hurricanes, the British fleet also proceeding to New York. In November Carleton, who had replaced Clinton in May, decided to evacuate Charleston in order that the garrison might secure Jamaica against the expected transfer of Rochambeau's troops to the West Indies. Peace, however, came

[1] N.R.S. III, 64–93.
[2] *Ibid.* XXXII, 154.
[3] *Ibid.* XXXII, 159.
[4] *Ibid.* XXXII, 276.
[5] N.R.S. III, 129 seqq., and XXXII, 159–66, 177.
[6] *Rutland MSS*, III.

without any further activities. Rodney's victory, if not complete, had prevented further British losses in the West Indies.

Meanwhile the allies had suffered another rebuff which went far to secure Great Britain a satisfactory peace. Gibraltar, though harder pressed than before, was still defying its assailants who were preparing a special effort. But North's fall (February 1782) and the formation of Rockingham's Whig ministry had brought Lord Howe back to command, which led to far more skilful handling of the fleets in home waters. The Brest fleet's activities were curbed by a squadron under Kempenfelt: an important French convoy for the East Indies was intercepted and two battleships and many transports taken, and when in July the French and Spaniards from Cadiz reached the mouth of the Channel, Howe prevented the Dutch from joining them by a formidable demonstration off their ports. Then, sailing westward to meet the other allies, though too weak to venture an action, he held them skilfully in play, covering the arrival of a valuable convoy from Jamaica and paralysing their designs till in August they bore up for Cadiz to cover the grand attack on Gibraltar.

This was delivered on 8 September 1782. For five days the Rock was violently bombarded, but the great floating batteries on which the Spaniards had pinned their faith were not proof against Elliot's red-hot shot and finally the completely baffled assailants had to convert the attack into a blockade. Directly the allies had left the Channel, Howe had received orders to proceed to Elliot's relief and on 11 September he sailed with thirty-four of the line and a vast convoy. His achievement in carrying his convoy into Gibraltar (19 October), despite Cordova's fifty sail which tried to bar his passage, and despite difficulties of navigation and the handicap of the convoy, was a masterpiece of seamanship and tactics. Having outwitted his enemies and accomplished the relief, he could not resist heaving-to off Cape Spartel, when clear of the narrow waters of the Straits, to offer them a fight (20 October). So roughly was their somewhat half-hearted attack received that they soon broke off the action, leaving Howe to return quietly to the Channel.[1]

The relief of Gibraltar, with which the main struggle virtually ended, is perhaps Howe's finest achievement and went far to restore public confidence and to show that mere numbers could not command success when inefficiently handled by officers imbued with false doctrines of strategy and tactics. It suggests too that, with a more efficient administration and a better use of the forces at the Admiralty's disposal, even the assistance of France and Spain might not have secured independence for the thirteen colonies.

That their assistance decided the struggle is a platitude. The decisive element was not Washington's generalship. If his statesmanship, his tenacity and his power of keeping his forces together merit unqualified praise, his record in the field, apart from Trenton, is not

[1] *Hist. MSS Comm., Le Fleming MSS*, p. 360.

impressive. Decisive victories are not won by a merely defensive strategy, such as he followed after failing to destroy Clinton in July 1778, while the final success at Yorktown was mainly due to the French troops whose presence in America had restrained Clinton from attempting "solid" operations in the north during Washington's difficulties of 1780 and 1781. It was not even Germain's futile and credulous optimism, interference in details and undue dispersion of inadequate forces for whom he was always multiplying tasks, nor General Howe's lethargy and repeated failures to convert success into victory. Clinton's policy of waiting to let the rebellion collapse has been severely criticised, but if unenterprising it nearly succeeded, and his forces were never proportionate to their tasks: his weakness lay less in his head than in his heart, in his character, not in his strategy. Cornwallis must bear much of the responsibility for Yorktown, but he would have put himself within Washington's reach with impunity had not de Grasse's arrival deprived the British of that freedom of movement by sea which, as Clinton was always emphasising, superiority in naval force could alone guarantee. The correspondence of Grant and other generals in the West Indies shows how the only sound plan of operations in that theatre collapsed with the loss of the naval supremacy on which they had been taught to count.

Failures and blunders in the British conduct of the war by land there certainly were, but the crucial failure lay in the Navy's inability to retain its challenged control of the seas. The Navy was not beaten, neither Ushant nor the Chesapeake, nor even Grenada, can be reckoned a victory for France, but in certain circumstances not to win a victory almost amounts to defeat, and so long as the allied fleets were not deprived of the initiative, the Army was liable to be paralysed because the Navy could not guarantee it freedom of movement. A signal system which was not equal to emancipating naval tactics from the trammels of an inelastic code of Fighting Instructions more than once robbed British admirals of victory, but graver evils lay in the state of things which prevented some of the Navy's ablest men from hoisting their flags with Sandwich at the Admiralty, and in the administrative inefficiency which bred delays and deficiencies at every turn. These, however, resulted largely from the loss of both of our chief sources for the supply of naval stores, so that Admiral Byam Martin declared there was not in the year 1783 "a sound ship in the fleet. Several returning home foundered on the Banks of Newfoundland".[1] The Navy was faced by opponents more efficient and formidable than Nelson ever encountered, and instead of a Spencer at the Admiralty it had "Jemmy Twitcher". "Out Twitcher must...he will certainly annihilate the Navy if he stays in" was the cry after Palliser's trial.[2] It says much for the Navy that if, with Sandwich in charge, it could not prevent the loss of America, it did prevent the further disruption of the Empire.

[1] N.R.S. XIX, 379.

[2] *Pembroke MSS*, p. 380.

CHAPTER XXV

THE AMERICAN REVOLUTION AND BRITISH POLITICS, 1776–1783

THE constitutional struggle had ended in war. Motley bands of marksmen and farmers marched to the battle-cry of "Liberty or Death" against the greatest naval and imperial Power in the world. Alliances with France and Spain and the blunders of British commanders were to help them to victory. But in truth it was not a case of colonists unanimous in rebellion opposing a kingdom unanimous in its determination to impose its will upon them. The conflict was not so much a struggle between England and America as a civil war in which the whole British race took sides. Whigs and Tories in Great Britain, Radicals and Conservatives in America, were divided upon the fundamental principles at stake, the relations of Parliament to the colonial legislatures and the unity of the Empire.

The majority at home, Burke was obliged to admit, was, when war began, in favour of coercion.[1] Opinion had hardened, as the violence and ever-increasing demands of the Americans and their rejection of each effort at conciliation seemed to point to a determination to throw off their allegiance. The greater part of the propertied and educated classes was definitely in favour of the King and his ministers. The landed interest, the Established Church and the Bar were almost wholly anti-American.[2] The majorities in the Universities and in the great towns, except those most deeply involved in American trade, such as London, Bristol and Glasgow, favoured the Government.[3] The Corporation of London, indeed, committed to opposition on other grounds, drew up an address strongly approving of the actions of the Americans, and resisted the press warrants. The trading community, however, was by no means united in its opposition, and soon found that openings in other directions more than compensated for the loss of American business. Lord Camden claimed that "the common people hold the war in abhorrence".[4] Certainly the failure of recruiting showed that the people were loath to fight against their fellow-subjects and a cause identified with liberty. Many officers threw up their commissions in the army. Dissenters generally favoured the American cause. There were, of course, exceptions. John Wesley's pamphlet denouncing the pretensions of the colonists indicated the views of a large number of Methodists, whilst David Hume's sympathy with the attitude of the Rockingham Whigs suggests that Tories were not unanimous. The great majority of

[1] Burke, E., *Correspondence*, II, 48.
[2] Walpole, Horace, *Last Journals*, II, 90.
[3] *Annual Register*, 1776, p. 38.
[4] *Chatham Corr.* IV, 401.

Scots, both at home and in America, actively supported the claims of Great Britain. "Almost to a man", according to a contemporary writer, "they proffered life and fortune in support of the present measures."[1] The Irish Protestants were equally zealous on the other side. "All Ireland", said Chatham, "is Whig." But this was not true of the Catholic population. And when the war was extended to France and Spain, the feelings of the Ulster Presbyterians underwent a notable change. Many who had refused to treat the Americans as enemies rallied round the Government against the Catholic Powers. The popularity of the war increased as it progressed. The spirit of the nation was stirred by the success of British arms. Resentment grew at the Declaration of Independence, the depredations of American privateers, and the grossly unpatriotic speeches of Fox and his friends.[2] When the war became one with the old hereditary foes, the fighting instincts of the country were roused to make gigantic efforts in a combat single-handed against all the maritime Powers of Europe.

One has, then, the impression of a nation divided against itself, in which a majority constantly recognised the necessity of enforcing imperial unity, but at the same time shrank from applying extreme measures against its own flesh and blood. The same indecision affected the generals in the field. Howe, for instance, instead of hitting hard and then negotiating, probably let slip his military opportunities because he inclined, for sentimental and political reasons, to fight with an olive branch in one hand and a sword in the other. The parliamentary Opposition, though small, was virulent and enthusiastic. Chatham, Burke, Shelburne, Rockingham, Richmond, Charles James Fox, Pitt and Sheridan—seldom has a national assembly contained a group of greater eloquence and force.

As the situation developed, the Tories rallied round the King and his conception of the Empire, whilst the Whigs did their utmost to encourage the colonists in their resistance and to prevent the Government from applying the full resources of the country in the effort to suppress them. In this they were united. But between the followers of Chatham and Shelburne and the Rockingham Whigs a strong line of cleavage persisted over the question of yielding independence. Some, almost from the first, were ready to surrender British sovereignty. As early as 1776,[3] the Duke of Richmond took the view that war with America would be ruinous; that it would bring France into the war against us, and that, even if successful, it would not be final. It would be better then, he argued, to grant independence at once. Whigs were moved too, Chatham as well as Fox, Horace Walpole as

[1] [? Burke, E.], *Annual Register*, 1776, p. 39; Shelburne to Dr Price, Fitzmaurice, *Life of Shelburne*, II, 40.

[2] Albemarle, *Life of Rockingham*, II, 305; Burke, *Works*, IX, 152.

[3] Richmond to Mr Connolly, Nov. 1776, in a letter quoted by Lecky, *Hist. of Eng. in Eighteenth Cent.* IV, 352.

well as Burke and Richmond, by the fear lest the triumph of the King and his "Friends" in America would prove to be the death knell of the Whig party and of English liberty. The victory of the Crown would, it was believed, usher in a reign of despotism. To such extremes did partisanship in this civil war go, that Fox described the British victory at Brooklyn as "terrible news".[1] Whigs toasted every American success and every British disaster. They even spoke in Parliament of the insurgent forces as "our army".

In America the same division of opinion recurred. The conditions were those of civil war.[2] Even in the State of New York, where the merchant class for the most part clung to their allegiance to Great Britain, the Provincial Convention of revolutionists decreed that all Loyalists were guilty of treason and should suffer death. The Loyalists were probably at least as numerous as the patriots. They included certainly the larger half of the propertied, educated and professional classes, as well as of the Quakers and Episcopalians. But they were inclined to leave the fighting to the British forces, and lack of organisation placed them largely at the mercy of the extremists. The early step taken for disarming them was perhaps one of the most crucial actions of the war.[3]

The paucity of numbers engaged in the battles of the Revolution and the ever-increasing difficulty in raising recruits for the continental army indicate that the idea of an independent American Republic did not appeal overwhelmingly to more than a fraction of the American people.[4] Even those who espoused the revolutionary cause were lukewarm and reluctant to fight. Out of 700,000 fighting men in the country, Washington could never muster more than 20,000 for one battle. Whilst those who fought, half-frozen, starving and in rags, knew no limit to their heroism and endurance, many farmers were tempted to prefer British gold to paper "not worth a continental", and to sell their supplies in the best market.

Hardly had the Declaration of Independence been proclaimed when Admiral Lord Howe arrived off Sandy Hook. To the Prohibitory Bill (20 November 1775) a conciliatory clause had been added appointing commissioners to enquire into grievances. They were empowered to raise the interdict of trade in the case of any colony or part thereof which might declare its readiness to return to its allegiance. Howe was the bearer of this conciliatory commission. It was treated with contempt by Franklin, and General Washington, whose title Howe would not recognise since it was not derived from the King, refused to receive any communication from him unless he did so. Lord Howe and his brother, General Howe, had been

[1] Fox to Rockingham, 13 Oct. 1776.

[2] *Amer. Archives*, 4th Ser. I, 1046; II, 451; V, 215; VI, 984, etc.

[3] Fisher, S. G., *The Struggle for American Independence*, I, 255 seqq.; Van Tyne, C. H., *The Loyalists in the American Revolution*, p. 163; Sabine, L., *American Loyalists*.

[4] Van Tyne, C. H., *England and America*, p. 152.

appointed commissioners, and no choice could have been more tactful, for both were earnest friends of the Americans and anxious to obtain a peaceful settlement. But the long delay in the arrival of the Commission, and the condition restricting their powers of pardon and enquiry into grievances till after submission had been made, helped to render it futile.

In Parliament, though the voice might be the voice of North and his colleagues, the hand was the hand of George III. In the country the tide of the democratic movement ebbed after the Middlesex election.[1] Popular violence during the Gordon riots caused further reaction, and coincided unfortunately with Richmond's attempt to introduce universal suffrage and annual parliaments. In these circumstances, fortified by the absence of Chatham and the divisions among the Whigs, the "King's Friends" and the old followers of Grenville were content for the most part to follow the policy dictated by the King. How subservient ministers were to the Crown, and how completely non-existent was the practice of ministerial responsibility, are shown by the prolonged continuance in office of Lord Barrington and Lord North whilst disapproving of the policy they administered. On the American question the King's policy was clear, consistent and determined. He held from the first that the principle at stake was whether the colonies would continue to accept the authority of the Crown and Parliament. He held that a policy of firmness undeviatingly pursued would have settled that question. The policy of conciliation and retraction he could not endure. The splendour of the advocacy of Burke and Chatham left him cold. In his eyes, it merely encouraged rebellious subjects to persist in their rebellion.[2] Now that vacillation had failed, as he always thought it would, he favoured "every means of distressing the Americans" in order to compel his recalcitrant subjects to acknowledge the sovereignty which he had inherited and regarded as a sacred trust. If his generals had served him with the same concentration of purpose, if his people at home had with unanimity espoused his cause, he would almost certainly have succeeded in quelling the rebellion for the time being.

On 30 May 1777, after two years of seclusion, Chatham reappeared in the House of Lords and moved an Address to the Crown for putting an end to hostilities by removing the grievances of the Americans, before France should enter the war. This motion and its successor (20 November) were defeated by a large majority, for members were elated by the recent successes of Brandywine and Germantown. But Chatham foretold the defeat of Burgoyne, and warned the country that conquest was impossible, and, if possible, would not settle the question. The news of Saratoga, however, only roused the country to further exertions. Subscriptions were raised for enlisting troops.

[1] Burke, E., *Correspondence*, II, 48.

[2] George III to North, 31 May 1777.

The Highlands of Scotland seconded the efforts of the merchants of London, Manchester and Liverpool, and 15,000 soldiers were recruited. But whilst Fox poured abuse upon Scotland and Manchester, the Whigs did their utmost to obstruct. It was unconstitutional, they asserted, for private individuals to raise troops without the consent of Parliament, and for the garrisons at Gibraltar and Minorca to be replaced by Hanoverian troops. The impending hostility of France and Spain compelled George III to abandon "any absurd ideas of enforcing unconditional submission", but he would not "treat with independents". He was determined to continue the struggle until the country was convinced that it was in vain.[1]

North had already shown his appreciation of the situation by hinting at concessions.[2] Now, on 17 February 1778, he introduced two bills, one renouncing the right to impose any tax except for regulating trade, the net produce to be applied to the use of the colonies, and the other appointing five commissioners to treat with any person or body public, raising no difficulty about titles. They were empowered to proclaim a cessation of hostilities, grant pardons, and suspend any Act of Parliament since 1763. The States were not to be asked to renounce independence till a treaty was ratified. The Act remodelling the Massachusetts constitution and the tea duty were formally repealed. Security for the debts of Congress and rehabilitation of the American paper currency, which had depreciated disastrously, were promised. Everything was conceded which the Americans had demanded and Burke had been urging for three years.

The announcement of these concessions filled the House with dismay.[3] Opposition demanded the resignation of the statesman who had provoked the war and was unfitted to make peace. North, in fact, had long wished to resign. After the royal assent had been given to the Conciliatory bills and the French alliance with the United States had been announced, he again pressed his resignation upon the King, and advised him to send for Chatham (13 March). The whole nation, indeed, turned to the one statesman who seemed capable of saving it from disaster, whether by negotiating with the Americans or conducting the war. Bute, Mansfield, Rochford, Richmond even, all echoed that demand. The Rockingham party, however, could not follow their example, and any idea of agreement between the two leaders had soon to be abandoned.

But George III refused to send for Chatham, "that perfidious man", whose recent invectives against the Throne and defence of the Americans he could not forgive. He would only consent to admit him "and his crew" to office if they would serve as allies of the existing Government under North. He appealed to North not to

[1] George III to North, 31 Jan. 1778.
[2] Gibbon, E., *Miscell. Works*, p. 216.
[3] *Annual Register*, 1778, p. 133.

desert him in the hour of danger, as Grafton had done. "No advantage to this country", he wrote, "no present danger to myself can ever make me address myself to Lord Chatham or any branch of Opposition." Not to save his Crown, or his country from ruin, would he consent to "be shackled by those desperate men". "No consideration in life will make me stoop to Opposition."[1] Yet he was no longer at issue with Chatham over his American policy. He had consented to North's Conciliatory bills, which yielded every point for which Chatham had contended. Chatham was opposed, as he was opposed, to conceding independence, and died protesting against "the dismemberment of this ancient and most noble monarchy". The King's own words proclaim his reason: "Opposition would make me a slave for the remainder of my days". For Opposition, whether he summoned Rockingham or Chatham, would insist on the abandonment of that system of personal government which he had so laboriously established. The Whigs would insist that the government of the country should be carried on by responsible ministers and not by an irresponsible sovereign.[2]

Chatham, however, was not in the least inclined to take office under the existing ministry. If he accepted his country's call, it must be as "the dictator of a new administration".[3] So North remained at the Treasury, and one half of the Opposition, now including Fox, continued to advocate American independence, and the other half to oppose it.

Whether Chatham would or would not have been successful in conciliating America, if he had formed a ministry, is an interesting speculation. The answer, perhaps, is to be found in the reception accorded by Congress to the five Commissioners of Peace. They reached Philadelphia at an inopportune moment. The news of the alliance with France had arrived, and Clinton, in accordance with orders from home, was evacuating the city. Congress declined to confer with the Commissioners until the British forces had been withdrawn or independence had been acknowledged. In vain they offered every privilege and concession that had been demanded, short of independence. Congress refused to make any further reply. These concessions came, indeed, from the suspect source of North's ministry, but they were so generous that their rejection suggests that the extremists who dominated Congress would have had their way, even though Chatham had been the negotiator. Before returning to England, the Commissioners issued a "Proclamation to the American People", appealing to them against Congress, and offering peace to any or every colony. A foolish threat was added. The hopes of reunion, it was stated, had hitherto prevented the extremes of war, but if the colonies were determined to become an apanage of France,

[1] George III to North, 17 March 1778.
[2] Cf. Lecky, IV, 458.
[3] Russell, Lord John, *Memorials of Fox*, I, 180.

self-preservation would compel Great Britain to see to it that the accession was of as little avail as possible. The British Government, of course, dissociated itself from any idea of introducing a war of savage desolation.

Convinced that it was "totally impracticable" to retain the dependence of America, the Duke of Richmond on 7 April moved an Address to the Crown for the withdrawal of the forces and for making peace. He was anxious to secure the Americans as allies, before war was declared with France. Chatham, though still indisposed from an attack of gout, dragged himself to town to protest against the surrender of the birthright of British princes and the dismemberment of the Empire. "Shall we", he cried, "now fall prostrate before the throne of Bourbon?" Richmond explained that he thought there was no prospect of success if Great Britain was opposed to France, Spain and America. Chatham rose to reply, staggered, and fell back in a fit.

The death of Chatham rendered North's retention of office almost unavoidable. Shelburne led the remaining followers of Chatham, but they were not strong enough to form a Government, and would neither coalesce with ministers nor join with the Rockingham party. Before Parliament met in November 1779, the growing weakness of the Government, the unsatisfactory condition of the Army and Navy, and the divided state of the country, occasioned the resignation of Lord Gower, President of the Council. The continuance of the war with America would, he believed, end in the ruin of the country. In announcing this event to the King, North expressed his opinion that it would involve the downfall of the ministry, and added that for three years he had held in his heart the same opinion as Gower. To strengthen the ministry, overtures were once more made to Opposition. The only result was to demonstrate yet again its weakness and dissensions. Profiting by the reaction from the Gordon riots, the King then dissolved Parliament (1 September 1780). The elections went in favour of the Crown. Towards the end of the year, Necker made a secret overture for peace. He proposed a truce for the purpose of negotiations, during which each army in America was to retain the territories it then held.[1] George III rejected this advance on the ground that France was still attempting "to effect independency, which, whether under its apparent name or a truce, is the same in reality".

The news of Cornwallis's surrender at Yorktown reached London on 25 November 1781. The King's Speech, two days later, still urged a vigorous prosecution of the war. Opposition remained divided. For though Shelburne insisted on the impossibility of continuing the struggle, he still would not concede to America the absolute independence which Rockingham was ready to grant. The pressure

[1] Necker to Lord North, 1 Dec. 1780.

of the naval and military situation, however, was becoming irresistible. The country began to perceive the necessity of peace. The City petitioned the King to put an end "to this unnatural and unfortunate war". The West India merchants besought him to save them from utter ruin. In the House of Commons Government majorities dwindled before the logic of events, and the eloquence of Fox and Burke and Dunning and Barré was reinforced now by that of the younger Pitt and Sheridan. But the King turned a deaf ear to North's suggestions of peace.[1] He would never consent, he declared, to the "irredeemable destruction" of the British Empire.[2] But in February a motion condemning the management of the Navy was defeated only by nineteen votes. The confusion at the Admiralty was indeed notorious, although Lord Sandwich had latterly done something to improve its efficiency.[3] On the 27th Opposition carried an address against further prosecution of the American War. It was coldly received by the King. On 4 March, therefore, General Conway returned to the attack, moving an Address declaring all who should advise continuance of the war to be enemies of their country. Next day the Attorney-general introduced a bill for enabling the Government to treat with the colonies. Fox poured upon it the vials of his wrath, and, spurning the idea of a coalition, proclaimed that he would be the most infamous of men if ever he should make terms with any one of such ministers. A vote of censure was nearly carried on the 8th. On the 15th, Sir John Rous, a Tory, moved a vote of No Confidence. The Government was saved by nine votes. Fox gave notice of a similar motion on the 20th. But on that day, before the debate could begin, North announced his resignation. Only with the utmost difficulty had he induced George III to accept the inevitable. It was now even whispered that Jamaica was ready to follow the example of the Leeward Islands and surrender to the French. On 10 March the King had at last agreed that the Chancellor should approach Rockingham. Thurlow reported his terms. The royal veto was not to be imposed upon American independence; the new Government's policy would be peace and economy, and its measures must include bills for prohibiting contractors from sitting in Parliament, Burke's Establishment bill, and the Custom House bill disfranchising revenue officers.[4] The King refused these terms. He would only contemplate an administration "on a wider bottom". Determined not to throw himself "into the hands of Opposition", he spoke of abdication as "the only way left" for his honour and conscience.[5] The royal yacht was prepared for his departure to Hanover. But North recognised that the demand for a change could no longer be resisted. He

[1] North to George III, 21 Jan. 1782.
[2] George III to Lord Stormont, 22 Dec. 1781; George III to North, 21 Jan. 1782.
[3] Memorandum by Lord Sandwich, *Corr. of George III* (ed. Fortescue).
[4] Rockingham, *Memoirs*, II, 451.
[5] George III to North, 17 March 1782; Walpole, *Journals*, II, 421.

reminded the King that the Throne could not prudently resist the deliberate resolutions of the Commons. The example of his royal predecessors proved that his honour was not involved. Rockingham and Shelburne alone could form a new administration, and they would not act with any of the present ministry, except Thurlow.[1] Still North was forbidden to resign. Only on the eve of the 20th, to save him from the vote on Fox's motion, did the King accept his resignation.

Shelburne was sent for, and requested to form an administration "on a broad bottom". He declined, and, in accordance with a promise he had made to Grafton, suggested Rockingham. Rockingham and his terms the King, after a vain appeal to Lord Gower, was at last obliged to accept. But George would only negotiate with him through Shelburne, and insisted upon retaining Thurlow as Lord Chancellor. Rockingham's Cabinet consisted of five of his own party, including himself, and five of Shelburne's, besides one High Tory, Thurlow. Lord John Cavendish became Chancellor of the Exchequer, Lord Keppel, First Lord of the Admiralty, Richmond, Master-General of the Ordnance, Camden, Lord President of the Council, Grafton, Privy Seal, Dunning, raised to the Peerage as Lord Ashburton, Chancellor of the Duchy of Lancaster, Conway, Commander-in-Chief. Fox was appointed First Secretary of Foreign Affairs, and Shelburne Secretary of State for Home, Irish, and Colonial Affairs, the office of Third Secretary for the Colonies being now abolished. Barré, Thomas Townshend, Sheridan, Burke, and the Duke of Portland (Lord Lieutenant of Ireland) took office without seats in the Cabinet. No place was found for William Pitt, who refused to take an inferior office. "At last", wrote the King to Lord North, "the fatal day has come",[2] and he drafted a letter of abdication in favour of the Prince of Wales, stating that the change of sentiment in the House of Commons had "totally incapacitated him from either conducting the War with effect or from obtaining any peace but on conditions which would prove destructive to the commerce as well as the essential rights of the British Nation".[3] George III may have been narrow-minded and obstinate, but he was faithful to the ideas of kingship and the interests of the Empire as he conceived them.

In addition to the difficult problems presented by the military and naval situation, the new Government was confronted with the necessity of pacifying Ireland. For the quarrel with America had brought into prominence the religious and economic oppression under which Ireland laboured. When North had passed his conciliatory proposals to the Americans, he had been pressed to extend similar

[1] North to George III, 18 March 1782.
[2] 27 March 1782, *Corr. of Geo. III* (ed. Fortescue), I, 154.
[3] Facsimile in *ibid.* I, 161 A.

privileges to Ireland. Something had been done for the relief of Irish trade; but most of the contemplated measures had to be laid aside in deference to the protests of English merchants. Non-importation agreements, similar to those in America, had then been adopted in Ireland.

These problems were enough to tax the strength of the most united ministry. But the Whigs were not united, even on those points of parliamentary and economical reform on which they had conducted a lively agitation in the country, and which formed an essential part of their programme for regaining some of the power taken from them by the successful policy of the King. Outnumbered and outvoted by the Rockingham section, Shelburne remained in the confidence of the King, who appealed for his support when Rockingham proceeded with the reform of the Civil List and the Establishment bill.[1] Fox and Shelburne, too, were soon at loggerheads, first over the settlement of Irish affairs, and then over the Contractors' bill, whilst Pitt's motion for parliamentary reform was rejected by a combination of Rockingham Whigs and North's old supporters. But the most pressing and most difficult problem was the negotiation of peace.

Satisfactory communications had already passed between Franklin and Shelburne.[2] The Cabinet therefore decided to send Richard Oswald to open an informal negotiation. Oswald was a simple, straightforward Scottish man of business, whose one idea was to conclude peace and conciliate the Americans. He informed Franklin that the new ministry desired peace, but would not consent to humiliating terms from France (12 April). Franklin then introduced Oswald to Vergennes (17 April).

By the Treaty of Alliance the United States were pledged not to conclude a separate peace. Vergennes had already been perturbed by Franklin's omission to inform him of the first approaches made to him.[3] Besides the interests of France he had also to consider the demands of Spain. Indeed, the objects of these strangely assorted allies were no more identical in making peace than they had been in waging war. The divergence of their aims profoundly influenced the course of the ensuing negotiations. Vergennes had not fought for American independence, but for vengeance on Great Britain. The main objects of the Spaniards had been to recapture Gibraltar and Minorca, and to deprive the British of East and West Florida and thus regain supremacy in the Gulf of Mexico. Flushed by the success of Saratoga, Congress in 1779 had ignored the protests of M. Gérard, the French envoy, and adopted, as the terms of peace, acknowledgment of independence before negotiations, and the Mississippi as their western boundary, with the navigation of that river to the

[1] George III to Shelburne, 12 April 1782.
[2] Franklin to Shelburne, 22 March.
[3] Franklin to Vergennes, 22 March.

southern boundary of the States and a fort below it. They also claimed the rights they had enjoyed, as subjects of the British Empire, in the Newfoundland fishery. The increasing importance of French aid had enabled Gérard to induce Congress to abandon the claim to navigation of the Mississippi, after he had informed them that Spain intended to keep both the Floridas; that the territory on the east side of the Mississippi belonged to Great Britain; and that their own western boundary was the line to which settlements were permitted by the British Proclamation of 1763.[1] His successor, La Luzerne, also obtained an alteration in the instructions of John Adams who, with Franklin, John Jay, and Henry Laurens, was appointed a commissioner "to treat and conclude peace". He was directed to undertake nothing in the negotiations "without the knowledge or concurrence of the French ministers". Independence was to be the sole ultimatum.

Not only was Spain determined to retain possession of the two Floridas, to which the success of her arms in that quarter seemed to entitle her, but she maintained that these territories extended even to the Great Lakes. She wished to keep the Mississippi Valley for herself,[2] and as she had no desire to have republican neighbours upon her borders, preferred to leave the lands north-west of the Ohio in possession of Great Britain, and south-west of it to limit American expansion in the direction of the Mississippi by a definite boundary line. France, by the treaty, had bound herself not to recover any part of the continent then belonging to Great Britain. Still, the lands south of the Great Lakes and between the Mississippi and the Alleghanies might be regarded as Indian territory and not included in that category. Vergennes had no desire to establish the revolted colonies as a great rival Power. Politically, his object was to place France in the position of holding the balance between Great Britain, Spain and the United States. He was therefore prepared to support in some degree the Spanish claims. His intention was to assign the Floridas to Spain, but to treat the country between West Florida and the Cumberland River as Indian territory, placing it under the protection of Spain and the United States, and to recognise the country north of the Ohio as British, in accordance with the Quebec Act.[3] Moreover, as presently appeared, he would not support the New England demand for fishing rights on the coast of Newfoundland, but intended to establish the exclusive right of the French to fish on certain portions of it, as claimed by them under the Treaties of Utrecht and Paris.

The proposals of France and Spain amounted to a restriction of the United States to the same strip of land on the Atlantic coast as

[1] 15 Feb. 1780. Cf. Jay, John, *Life of John Jay*, I, 124 seqq.
[2] Wharton, *Amer. Dipl. Corr.* VI, 23.
[3] *Life of John Jay*, I, 144, II, 476.

they had occupied in 1713. But not only had the Americans refused to recognise the Act of 1774, annexing the lands north of the Ohio to the Government of Quebec, but they had to some extent occupied the territory in question. In the Ohio Valley, what are now Kentucky and Tennessee had been partially settled by Scots-Irish Presbyterians moving chiefly from Pennsylvania after 1769. This continuous movement had been complemented by a skilfully conceived and brilliantly executed raid, conducted by George Rogers Clarke with a party of Virginians, on the old French settlements which had passed into British possession by the Treaty of Paris. Clarke had surprised the French settlement of Kaskaskia, and thereafter the whole population of frontier settlers had joined him (1777–9). The Virginians by an act of the legislature had appropriated these lands and incorporated them in their State under the name of Illinois County. Raids and counter-raids ensued, but the Ohio Valley remained in the hands of the Americans. Upon its possession depended the possibility of their expansion westwards.

When Oswald approached Vergennes, he replied that France could do nothing without consulting her allies. The treaty must be general, but France would have several demands to make. Before returning, Oswald obtained from Franklin, then the only American commissioner in Paris, a paper in which he had sketched his personal views as to a basis of negotiations. Britain, he suggested, should be generous, and voluntarily cede Canada and Nova Scotia, on condition that so much of the waste lands there should be sold "as would raise a sum sufficient to pay for the houses burnt by the British troops and their Indians, and also to indemnify the Royalists for the confiscation of their estates".[1] This paper was given by Oswald to Shelburne, who, regarding it as private, did not communicate it to his colleagues.

There being evidently no hope of a separate peace, Oswald was ordered to Paris, since Franklin had expressed a desire for his return, to settle with him "the most convenient time for setting on foot a negotiation for a general peace and to represent that the principal points in contemplation are, the allowance of independence to America upon Great Britain's being restored to the situation she was in by the Treaty of 1763". Fox was to appoint a proper person to make a similar communication to Vergennes (23 April).[2] He chose Thomas Grenville, son of the author of the Stamp Act. The conduct of negotiations by two separate Secretaries of State, the one dealing with America and the other with the other belligerents, was perhaps inevitable, but it was bound to be embarrassing, and proved the more so, because Fox wished all negotiations to be conducted by his department and disagreed on fundamental points with Shelburne.[3]

[1] Franklin, *Works*, VIII, 470.
[2] *Corr. of Geo. III* (ed. Fortescue), I, 244.
[3] Grafton, *Autobiography*, pp. 318–23.

Fox, regarding France as the natural enemy of England, wished to form alliances with the northern Powers. Offers of mediation had been made from St Petersburg and Vienna in 1779, 1780 and 1781. Fox's first step was an unsuccessful attempt to negotiate separately with the Dutch through the medium of Russia.[1] With France, overestimating her anxiety for peace, he thought he could make more favourable terms by at once granting independence to the United States. Shelburne, on the other hand, remembered Chatham's failure to create a great Northern Alliance. He appreciated the unstable character of the Empress Catharine, and even contemplated an eventual alliance with France, to curb the aggression of those Powers which had recently been responsible for the partition of Poland. He believed that to commence negotiations by conceding independence would merely encourage France to increase her demands, whilst sacrificing a valuable asset in the bargain to be driven with the United States. He preferred to keep his hands free for negotiating a separate peace with each belligerent, and to play off against each other the conflicting interests of France, Spain and America. In all this he was strongly supported by the King, who did not conceal his distrust of Fox and his methods. Shelburne instructed Oswald to acquaint Franklin that America must be truly independent and not bind herself in any way to France, and that no idea of reparation for damages, such as he had suggested, could be entertained. A free trade to every part of America was expected and early payment of all debts due to British subjects. No independence was to be acknowledged without care being taken for the indemnification of the Loyalists. For himself, Shelburne had come most reluctantly to the idea of granting complete independence; what he had wished for was a federal union between the two countries.[2]

Fox's instructions to Grenville indicated his line of policy. If, as he expected, France rejected the *status quo* of 1763, then it would be evident that, after having secured the independence of the colonies which was the avowed object of the war, she was continuing it for her own ends, in which America had no interest. In that case, Grenville was to sound Franklin as to a separate peace, which "would open the best road for a general peace".[3] Vergennes' answer was, that he must consult his allies, but as for independence, it was not to be ceded to France, and would not be regarded by her as an inducement for granting a favourable peace. America must negotiate for it separately. Conde d'Aranda adopted the same attitude on behalf of Spain.[4]

Grenville thereupon suggested to Fox that, with the object of

[1] *Malmesbury Correspondence*; *Correspondence of C. J. Fox*, I, 331.
[2] F.O. 97, 157.
[3] Fox to Grenville, 30 April 1782, F.O., France, 27/2; cf. Fox to George III, *Corr. of Geo. III* (ed. Fortescue), I, 313.
[4] Grenville to Fox, 10 May 1782.

separating the allies and making a distinct treaty, independence might be granted to America "in the first instance, instead of making it a conditional article of general treaty".[1] America would then be less likely to support France and Spain in their large demands. At this opportune moment (18 May), tidings reached England of Rodney's victory and the capture of Dutch posts in Ceylon. Though this news affected the popularity of ministers who had decided to recall and disgrace Rodney, it strengthened their hands in dealing with France. Grenville was, therefore, ordered to proceed as he had proposed.[2] At the same time, Oswald was instructed to make peace, either general or separate, with the American commissioners at what the King termed "the dreadful price of independence".[3]

When Grenville announced (15 May) that he was authorised to acknowledge the independence of America in the first instance, and to offer to France the Treaty of 1763 as a basis for negotiation, Vergennes, of course, perceived the underlying intention to separate the allies. He replied that in any new treaty he should prefer that the Treaty of Paris be annulled "except in certain specified articles". The vagueness of this reply showed that France intended to create delays. The Cabinet decided to adhere to its policy, and also instructed Fox to inform the court of St Petersburg that, without formally admitting the Armed Neutrality, Great Britain would make the principles of the Empress' declaration on that subject the basis of a treaty on condition that Russia obtained the neutrality of Holland.[4]

The tension between Fox and Shelburne now became acute. Fox credited Shelburne with duplicity in concealing from him Franklin's suggestion about Canada.[5] He proposed to interpret the recognition of independence "in the first instance" as transferring the whole negotiation to his own department of Foreign Affairs, arguing that the colonies thereby ceased to exist. The Cabinet decided against him.[6] Grenville, however, began to act as if he were sole negotiator, and complained of the interference of Oswald.[7] The result was to create suspicion in Franklin's mind, whilst Vergennes plainly stated that any attempt to separate France from America would be in vain; that the treaties must go hand in hand; and that France was not daunted by her defeat in the West Indies. Franklin presently proposed the appointment of separate commissioners, each to deal with each belligerent, and "then to consolidate those several settlements into one genuine and conclusive Treaty".[8]

[1] Grenville to Fox, 14 May 1782, F.O., France, 27/2.
[2] Cabinet Minute, 23 May; Grafton, *Autobiography*, p. 321.
[3] Shelburne to Oswald, 21 May, F.O., France, 27/2; Shelburne to George III, 25 May, *Corr. of Geo. III*, I, 332, 333.
[4] Grafton, *Autobiography*, p. 321; *Memorials of Fox*, I, 331; Fox to George III, 24 June 1782.
[5] Fox to Grenville, 10 June.
[6] Grafton, *Autobiography*, p. 318.
[7] Shelburne to Oswald, 27 July.
[8] Oswald to Shelburne, 9 June.

When the enabling Act was passed, a commission was sent to Grenville, "to treat with France and any other Prince or State whom it may concern". This, again, he interpreted as including the United States.[1] Fox demanded the recall of Oswald, whom Shelburne proposed as commissioner to treat separately with Franklin, as the latter had suggested. On 30 June Fox urged the Cabinet to sanction the granting of independence even without a treaty, and thus to place all future negotiations in the hands of the Foreign Secretary. The Cabinet decided against him on both points. The majority voted that the grant of independence must be accompanied by the treaty, though it might be admitted as the basis of negotiation. Fox announced his intention to resign.[2]

The same day Rockingham died. Shelburne succeeded him, with a Cabinet placed, as the King wished, "on a broad bottom", but seven out of eleven were old followers of Chatham, and two of Rockingham. Thomas Townshend and Lord Grantham, the former ambassador to Spain, were his Secretaries of State. Keppel remained at the Admiralty as a matter of duty, but Grafton retired into the country. William Pitt became Chancellor of the Exchequer. Fox, having resigned, was followed by Lord John Cavendish, Burke, Sheridan, and the Duke of Portland, whom they had wished to make Prime Minister. The secession was smaller than they had hoped. Disappointment stimulated the virulence with which Fox and Burke attacked Shelburne in the House of Commons.

Shelburne at once replaced Grenville by Alleyne Fitzherbert, whom he brought from Brussels to negotiate with the French court, whilst Oswald dealt with the Americans. On 9 July, Franklin stated his ideas for the basis of a treaty. Four conditions he named as *necessary*: complete independence; definition of boundaries; restriction of the Canadian boundary to at least what it was before the Quebec Act; and freedom of fishing on the banks of Newfoundland. Other conditions he described as *desirable* for promoting friendly feeling—an indemnity of half a million for the destruction of towns; an acknowledgment of error on the part of Great Britain; the States to enjoy the same privileges in trade and shipping as the British; and the cession of Canada and Nova Scotia. He withdrew his suggestion for making provision for the Loyalists, because they were so numerous and Congress had no authority over the particular States which had confiscated their property.[3] At this juncture much delay was caused by the rumour spread by Grenville that Shelburne did not intend to concede independence.[4] Only with difficulty was confidence restored. John Jay was now associated with Franklin in Paris. He was

[1] Franklin to Shelburne, 27 June 1782.
[2] Grafton, *Autobiography*, pp. 318–21.
[3] Oswald to Shelburne, 10 July, F.O. 97/157.
[4] Oswald to Shelburne, 10–12 July; Franklin to Oswald, 12 July; Shelburne to Oswald, 27 July.

convinced that France and Spain intended to use the American alliance for extorting concessions for themselves. He therefore now demanded that the United States should be treated with as an independent Power. In this he was supported by Vergennes, who calculated that, the object of the alliance having thus been fulfilled, he could leave the Americans to look after themselves and play for his own hand.[1] At present he desired delay in hopes of securing Gibraltar and the Mississippi for Spain, and establishing French claims in the East and West Indies and the Newfoundland fishery. A letter intercepted by the British Government from M. de Marbois to Vergennes, and a memorandum from M. Gérard de Rayneval, Chief Clerk of the French Foreign Office, demonstrating that the United States had no right to the Mississippi Valley, confirmed Jay in his distrust of his allies,[2] whilst Oswald was frightened by the hint that the Americans were concluding a treaty of commerce with Spain. Both sides being anxious, it was therefore at length agreed that independence should be granted absolutely and irrevocably as an article in the treaty, and Franklin's four "necessary" articles were accepted as the basis of negotiations.[3] Oswald had been instructed that the right of drying fish on the Newfoundland shore would not be ceded, and that payment of debts before 1775 and compensation for Loyalists must be stipulated in the treaty, but that the British claim to the ungranted domains and territory between the Mississippi and the Alleghanies might be waived in part to provide such compensation.[4] But when Jay produced a draft treaty on 5 October, Oswald yielded on all these points.

The delimitation of the frontiers involved prolonged discussion. The limits of the thirteen colonies as fixed by the Proclamation of 1763 were, westwards, the Mississippi as far north as the southern boundary of the Hudson's Bay Company, and in the south the boundaries of Georgia and South Carolina. On the north-east, the Proclamation defined the Government of Quebec (Canada) as

> bounded on the Labrador coast by the river St John, and from thence by a line drawn from the head of that river, through the lake St John to the south end of Lake Nippissim; from whence the said line crossing the river St Lawrence, and the lake Champlain in 45 degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said river St Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs, and the coast of the Gulf of St Lawrence, to Cape Rosiers, and from thence crossing the mouth of the river St Lawrence, by the west end of the island of Anticosty, terminates at the aforesaid river St John.

As to Nova Scotia, the western boundary after 1763 was defined by the River St Croix, and a line drawn due north from the source of that river to the southern boundary of Canada, that is, the line

[1] *Life of John Jay*, I, 142 seqq., II, 472; Vergennes to La Luzerne.
[2] *Amer. Dipl. Corr.* VI, 483; *Life of John Jay*, I, 144, 490; B. Vaughan to Shelburne, 12 Sept. 1782.
[3] Townshend to Oswald, 1 Sept.
[4] Shelburne to Oswald, 31 July.

along the highlands described in the Proclamation. The angle formed by the junction of these two imaginary lines was known as the North-West angle of Nova Scotia, and was believed (for the country had never been accurately surveyed), to be near Lake Medousa, at the head of the branch of the St John River now called the Madawaska. That branch was then thought to be the main stream. Taking the St John River as the eastern boundary of Massachusetts which then included Maine, Jay proposed to place the North-West angle near Lake Medousa, and thence to draw the southern boundary of Canada, according to the Proclamation, along the highlands to the head of the Connecticut River, and along the middle of that river till the forty-fifth parallel was reached, following that line to the North-West bank of the St Lawrence and from there to the southern end of Lake Nippissim [Nipissing] and thence straight to the source of the Mississippi, a point not then definitely ascertained. This line, however, cut off a part of Nova Scotia to which, Jay admitted, Massachusetts was not entitled, and it was agreed that commissioners should be appointed to settle the eastern boundary of that State.[1] A clause was added providing for the free navigation of the Mississippi.

The improvement in the military situation owing to the relief of Gibraltar justified a firmer attitude on the part of the British.[2] Henry Strachey, an able and experienced official, was therefore sent to Paris to press the points which Oswald had too readily conceded.[3] John Adams had now joined his fellow-commissioners in Paris. He supported Jay against Franklin in his determination to conclude negotiations without consulting the French, and readily conceded the British demand that "honest debts should be honestly paid".[4] The St Croix was accepted as the boundary of Maine and Nova Scotia, and the "North-West angle" was defined as being formed by a line drawn due north from its source to the highlands, "which divide those rivers that empty themselves into the River St Lawrence, from those which fall into the Atlantic Ocean". The substitution of the phrase "Atlantic Ocean" for "the sea" was a source of future trouble. The line was to follow these highlands to the north-westernmost head of the Connecticut River, thence down the middle of that river to the forty-fifth parallel, and from there to run through the centre of the water communications of the Lakes Ontario, Erie, Huron, and Superior, and the Lake of the Woods, and through the centre of the lakes themselves. From the North-West point of the Lake of the Woods the line was to be drawn "on a due west course" to the Mississippi, and thence down the middle of that river to Lat. 31°. Thereafter, south, by a line drawn due east from that point to the middle of the River Chattahoochee (or Apalachicola), and along the

[1] Oswald to Townshend, 5, 7, 8, 11 Oct. 1782.
[2] Shelburne to Oswald, 21 Oct.
[3] Instructions to Strachey, 20 Oct.
[4] Adams, John, *Works*, III, 301 seqq.; *Life of John Jay*, I, 152.

middle of that river to its junction with the Flint River, thence straight to the head of St Mary's River and down its centre to the Atlantic Ocean.

Strachey had thus secured an improvement upon Oswald's agreement both as regards Nova Scotia and Canada.[1] He also obtained the abandonment of the American claim to dry fish on the Newfoundland shore, whilst conceding the right of fishing in the Gulf of St Lawrence and of drying fish on the unsettled parts of Nova Scotia. The navigation of the Mississippi was declared free to both countries. But no provision for the Loyalists could be extorted. Shelburne made one last effort. The Americans were informed that the treaty depended upon the restitution of their property. Franklin retorted by threatening to enter a counter-claim for damages by British troops. The situation was critical.[2] At last it was agreed that a clause should be inserted in the treaty that there should be no further persecution of the Loyalists, and that Congress should recommend to the respective States the restitution of their confiscated property. The concession of the western lands was made, as Shelburne afterwards declared, not of necessity but of choice, with the idea of providing means for compensating the Loyalists.[3] As Congress failed to induce the State Legislatures to respect the provisions of the treaty, the western forts were retained by Great Britain until 1797. A series of Acts and Treasury payments for twenty years show that Britain was not unmindful of the claims of those who had fought and suffered for their chosen loyalty.

To the nine Preliminary Articles of Peace signed at Paris on 30 November 1782, and embodying these agreements, a tenth and secret clause was added. It provided that if, at the close of the war, Great Britain should be, or should be put, in possession of West Florida, then the southern boundary of the United States should run due east from the confluence of the Yazoo and the Mississippi, instead of following the Proclamation line of Lat. 31° from the Mississippi to the Chattahoochee. Scenting the danger of an agreement between France and Spain for the division of the western lands, Jay had previously proposed to Oswald that the British army should be removed from New York to the south and used to drive the Spaniards out of Florida.[4]

Vergennes concealed the annoyance he felt at the signing of the preliminary articles without the cognisance of France.[5] The reservation therein that peace was not to be concluded until terms were agreed upon between France and Great Britain did not, in his opinion, excuse the infraction of the treaty. But at the same time his own protracted negotiations were drawing to a close. Rayneval had been sent to England in September under an assumed name and in

[1] Strachey to Townshend, 8 Nov. 1782. [2] Oswald to Shelburne, 29 Nov. 1782.
[3] Fitzmaurice, *Life of Shelburne*, II, 202.
[4] Oswald to Townshend, 2 Oct.; Townshend to Oswald, 26 Oct.
[5] Vergennes to La Luzerne, 19 Dec.

the guise of a man of business. Both the King and Jay warned Shelburne against the cunning beneath this "specious garb".[1] The terms he propounded, however, were, with certain reservations, accepted as a basis for discussion. Shelburne suggested that a commercial treaty might be negotiated after peace was signed, aiming at a liberal agreement and putting an end to commercial monopoly, which he regarded as "an odious invention", but admitted that it was still "the catechism of the English merchants". Rayneval returned these confidences by revealing that France was strongly opposed to the American claims as regards both the Newfoundland fishery and the valleys of the Mississippi and Ohio. But when the French envoy added that there could be no peace without the surrender of Gibraltar, Shelburne replied that only an exchange for some valuable equivalent in the West Indies or Minorca was possible. When Rayneval demurred, he pointed out that in that case the responsibility for continuing the war would rest with Spain.[2]

The day after Jay presented his draft treaty to Oswald, Vergennes communicated to Fitzherbert the demands of France and Spain (6 October). They were pitched in a higher key than the terms offered by Rayneval. France required the cession of St Lucia and Dominica, and of Senegal and Goree; the abrogation of all articles relating to Dunkirk; an exclusive right of fishery off Newfoundland from Cape St John to Cape Lahune, and one or more islands to be fortified for the protection of her fishermen there. In India, besides the restoration of the French factories in Bengal and Orissa, with the right of fortifying Chandernagore and the surrender of Pondicherry, Karikal and the comptoir at Surat, the whole of the Northern Circars and Masulipatam were demanded. Spain required the cession of Minorca, all Florida, the Bahamas, British possessions and rights in Honduras, Campeachy and the Moskito coast, as well as Gibraltar, for which she offered Oran and Mazalquiver in exchange.[3] These terms could not in any case be accepted. The failure of the French and Spanish attack upon Gibraltar enabled the British Cabinet to adopt a firm tone.[4] France then consented to withdraw her demand of the Circars and Masulipatam and also of an exclusive right of fishery off a part of Newfoundland, requiring only that British governors should be instructed to secure French fishermen from interruption in their occupation. Dominica she still demanded.[5] Spain, supported by Vergennes, adhered resolutely to the cession of Gibraltar, but was ready, as Aranda expressed it, "to give anything in exchange except the limbs of Spain". In the latter category he included Cuba and Porto Rico.[6]

[1] George III to Shelburne, 14 Sept. 1782.
[2] *Corr. of Geo. III*, I, 472; Fitzmaurice, *Life of Shelburne*, II, 176–84.
[3] Fitzherbert to Grantham, 7 Oct.
[4] Shelburne to Fitzherbert, 21 Oct.
[5] Fitzherbert to Shelburne, 5 Nov. [6] *Ibid.* 28 Oct.

Convinced that France would not continue to fight for the sake of Gibraltar, Shelburne threatened to break off negotiations. To Rayneval, who was sent to make new proposals, he outlined his views. He accepted the suggestion as to the fishery, and offered to extend French rights to Cape Ray instead of Cape George. Dominica and St Vincent were necessary for wood and water for British vessels, but an exchange for Dominica might be considered. He repeated his intention to promote free trade in the East Indies, and looked forward to their respective sovereigns entering into a mutual guarantee of peace and becoming the guardians of that of the whole world. In India France should have the territory round Pondicherry as far as Shalambar and Karikal with its ancient dependencies, and Mahé into the bargain, but Orissa could not be ceded. As to Spain, the King would accept no less than Porto Rico and the return of all British territory captured by the Spaniards. British merchants would insist upon the safeguarding of the logwood trade in Honduras and Campeachy.[1] Spain now offered West Florida in exchange for Gibraltar, but France refused to cede Dominica.

The proposal to exchange Gibraltar provoked acute dissension in the Cabinet. One section, headed by Richmond and Keppel, would not hear of it. But with Shelburne and Grafton it was rather a question of the price, and now that the treaty with America was signed, the price could be raised.[2] When alternative schemes were presented to the King, he expressed a preference for "getting rid of Gibraltar" in return for "as much possession in the West Indies as possible". For it was in that direction and in the East that he saw the only hope of recovery for British trade and the British Empire. But if adequate compensation in the West Indies could not be obtained, then, he proposed, Spain might be offered the two Floridas in order to satisfy her for our retention of Gibraltar.[3] But Fox was thundering against the least suggestion of parting with the rock-fortress, and the country, stirred by Elliot's heroic defence of it, was on his side. Shelburne was obliged to inform the court of Spain that the nation would not relinquish Gibraltar, and made the suggested offer of the two Floridas in its stead.[4]

Left in the lurch by their American friends, Louis and Vergennes with difficulty persuaded Charles III to accept. But in France, as in England, there was a party which preferred to continue the war rather than to make peace at the price to which it had now been raised. Each party insisted upon the retention of Dominica. Shelburne and Grantham at last induced the Cabinet to offer, as an ultimatum, Tobago in exchange, and the surrender by the Dutch of Trincomalee or Negapatam or Demerara and Essequibo. With equal difficulty

[1] Shelburne to Rayneval, 13 Nov. 1782. From an unpublished letter, of which a copy is in the possession of Dr J. Holland Rose.

[2] Grafton, *Autobiography*, p. 347.

[3] George III to Shelburne, 11 Dec.

[4] Grantham to Fitzherbert, 18 Dec.

Vergennes secured the acceptance of these terms. It was further agreed that a commission should be appointed to consider commercial questions.

Preliminaries of peace were signed at Versailles between Great Britain and France and Spain on 20 January 1783. As to the fishery, Vergennes had fought hard to retain the word *exclusive*, but in the end was obliged to be content with the conditions outlined above. St Pierre and Miquelon and St Lucia and Tobago were ceded to the French, who were confirmed in the right of fishing in the Gulf of St Lawrence. Grenada and the Grenadines, St Vincent, Dominica, St Christopher, Nevis, and Montserrat were restored to Great Britain, whose possession of Fort James and the River Gambia was confirmed. Senegal and its dependencies and Goree were restored to France. In India, Great Britain restored all the establishments belonging to France at the commencement of the war on the coast of Orissa and in Bengal, with a liberty to surround Chandernagore with a ditch for draining; also Pondicherry and Karikal and their dependencies, and Mahé and the comptoir at Surat. A safe, free and independent trade was guaranteed to the French in those parts of India. All articles relative to Dunkirk were abrogated. Spain obtained Minorca and the two Floridas, and restored Providence and the Bahama Islands and all other captured British possessions. British subjects were to be allowed to cut logwood in a district of which the boundaries were to be fixed. Commissioners were to be appointed to discuss a commercial treaty.

At the same time, a truce was made with Holland. Dutch plenipotentiaries had come to Paris in October and insisted upon the recognition of the Armed Neutrality as a preliminary to peace in accordance with Fox's former communication, but were told that that offer had been cancelled by their rejection of the overture for peace which accompanied it. They also demanded restitution of all the British conquests, and compensation for captured vessels.[1] These demands were refused.[2] The States-General were offered instead a renewal of the treaties in being before the rupture, and the return of all places taken from them except Trincomalee. Finally, on 20 May 1784, a definitive treaty was settled on the basis of mutual restitution, except that Great Britain retained Negapatam, the most important harbour on the Coromandel coast.[3]

But one very important concession the Dutch were compelled to make as the price of the dilatory diplomacy which had left them alone upon the field. By Article VI of the treaty the States-General agreed, most unwillingly, not to obstruct British navigation of the Eastern Seas. The Dutch had hitherto endeavoured to maintain an exclusive trade

[1] Fitzherbert to Grantham, 28 Oct. 1782.
[2] Grantham to Fitzherbert, 18, 20 Dec. 1782.
[3] Koch et Schöll, *Traités* (1817 edn), III, 400–3; Martens, *Recueil des traités*, II, 457, 462, 520.

in the Far East. The surrender of this monopoly, opening up as it did unrestricted commerce with the Spice Islands and China, was a gain of immense value to Great Britain.

Shelburne attached the most importance to the clauses which related, as he expressed it, "to the great principle of free trade which inspired the treaties from beginning to end".[1] But the negotiations of the commercial treaties passed into other hands. Parliament had been prorogued till 5 December in the hope that the signing of preliminary articles with France and Spain as well as America might be announced. The position of Shelburne had by this time become very insecure.[2] He was the most able statesman in England, but his personal following was small. The measures of parliamentary reform which he advocated and the curtailment of the Civil List which he introduced brought their inevitable reward of reaction and of hostility from placemen deposed. Moreover, he was endeavouring, like Chatham, to govern without party and with an administration "on a broad bottom", and, like Chatham, found that in a crisis every man was for himself. Virulent denunciations of the Preliminaries by Fox and Burke were convincingly answered by Pitt and Shelburne, who revealed the strain to which the Navy and the country's finances had been put. But by an unfortunate indiscretion Shelburne in the House of Lords added to the distrust with which he was regarded by declaring that the grant of independence was not irrevocable, whilst Pitt in the Commons admitted that it was. The country, smarting from a peace that no man could have made pleasing, sought a scapegoat. Resignations from the Cabinet opened the way to what Pitt denounced as "the unprincipled Coalition", and to the alliance of North, who had carried on the war against his personal convictions, with Fox, who six months before had described him as worthy of impeachment. Shelburne resigned on 24 February 1783. The negotiation of a treaty of commerce passed then into the hands of Fox. But his emissary, David Hartley, having exceeded his instructions and forfeited the confidence of the American commissioners, it remained only to sign the three definitive treaties in the terms of the Preliminaries (3 September 1783).

The Peace of Paris and Versailles brought to a close the long struggle which ever since 1740 had been maintained with France for the New World. By it France achieved her revenge for the disaster of 1763. Helped by the blunders of her age-long rival, she had called "a new world into existence to redress the balance of the old". Whether the secession of the thirteen colonies was a good thing for them or a bad thing for Great Britain are questions upon which historians have differed. But the subsequent development of the United States has an inspiring lesson to offer to the second British

[1] Shelburne to Morellet, 13 March 1783.
[2] Gibbon, E., to Holroyd, 14 Oct. 1782.

Empire which has grown up since that event. By its progress, its adhesiveness, its solidarity, the Union of American States has demonstrated that an empire need not necessarily fall to pieces when it has become great. It has by its growth shown that Turgot's dictum, which its birth seemed to prove, is not necessarily true; that colonies need not fall off when ripe, but that an indefinite number of States may be held together in a union which has not the radical defects of the old colonial system.

CHAPTER XXVI

THE LITERATURE AND SOCIAL LIFE OF THE OLD EMPIRE

In previous chapters the political developments that followed from the settlement of English colonies in North America have been dealt with. It remains to say something of the social and intellectual conditions of this new world. At the outset it is necessary to emphasise that during the whole colonial period we find little or no trace of the beginnings of a distinctly national type in the field of either social or intellectual relations. Different forms of government, different laws, different interests, and in some of the colonies different religious persuasions and different manners, did not make for national unity. Indeed, their jealousy of each other was so great that, however necessary a union of the colonies had been for their common defence, yet they were never able to effect such a union among themselves, nor even to agree in requesting the mother country to establish it for them.

During the years in question the western States were still unborn and the types of colony with which we have to deal divide themselves into three distinct groups: the southern, the northern and the middle. With Virginia must be associated Maryland which was carved out of it, the Carolinas and Georgia. The New England colonies, Massachusetts, Connecticut, New Hampshire and Rhode Island were as different in character from the southern colonies as were their respective vegetations. Lastly, the middle colonies, New York, with its satellite New Jersey, and Pennsylvania, with its satellite Delaware, afforded a half-way house in which the extremes of north and south might to some extent blend owing to the power of foreign influences. Later on we shall have something to say of the cosmopolitan character of New York and of the manner in which German immigration affected the nature of Penn's experiment. It is enough here to note that, however New York and Pennsylvania may have differed in character, they had still points in common unknown to the type of northern or southern colonist.

To Virginia, the eldest of the colonies, the mother of the future creators of the American nation, George Washington, Jefferson and Madison, must be given the pride of place in any discussion of American conditions. What, then, was the social and intellectual life of the Virginia of the seventeenth and eighteenth centuries? A distinguished Virginian historian[1] who devoted many years to the study of the institutional, economic and social conditions of his native country in the seventeenth century, has insisted with much

[1] Bruce, P. A., *The Economic History of Virginia in the Seventeenth Century.*

power on the degree in which the Virginia of the time was a replica of old England; and though subsequent research seems to show that the predominance of an aristocracy was not so great as he suggested, and that the purchase of land by men who had served their time as indentured labourers played a more important part in the development of the colony than was reckoned by him, still the general conclusion may be accepted; whilst nothing can be more misleading than the statement of a brilliant English historian that Virginia was mainly peopled by members of the criminal classes.

There were, indeed, strong reasons why younger members of eminent English families should seek a new home in Virginia. Under the rule of the Parliament and Cromwell prospects at home were very black for men of this class. As was said by one of them, Virginia (he might have added Barbados) was "the only city of refuge left in His Majesty's dominions in those times for distressed cavaliers".[1] Such men naturally gravitated towards each other. They had, in common, loyalty to the monarchy whose eclipse they regarded as only temporary. Further, the cultivation of tobacco afforded opportunities for the English system of fairly large estates, indentured labourers taking the place of the English farm hands. Lastly, for those seriously inclined, there was the attraction of a State Church modelled more or less—(we shall see how different it proved in its working)—on the Church of England. In this state of things it is small wonder that the historian can point with pride to the number of distinguished English families that had their representatives in Virginia. The absence of towns, which afterwards played no little part in the retardation of Virginia's economic development, appeared as an additional attraction to men whose interests were centred in rural pursuits.

A remarkable feature in seventeenth-century Virginia, and one which especially appealed to members of the governing classes in England, was the way in which, as in none other of the British colonies, old-world usages and distinctions were able to transplant themselves into the virgin soil of a new continent. Social divisions remained as strong as they had been in England. The size of some of the estates was very great, the Fairfax estate in Virginia embracing at one time 6,000,000 acres. There was naturally less variety of classes. There were no noblemen or bishops, and the mercantile element scarcely existed. The community consisted almost exclusively of gentlemen, yeomen and labourers; but there was at least as broad a line of demarcation between these classes as in England. The titles "Esquire", "Mr" and "Gentleman" conveyed definite meanings and were not applied loosely. The right of bearing arms was jealously prized and any unwarranted assumption of such right would have been immediately resented. Nevertheless, from the first, tendencies were at work which in the end brought it about that aristocratic Virginia

[1] Force, P., *Hist. Tracts*, I, 34, "Ingram's Proceedings".

fell under the spell of advancing democracy. It must be remembered that the bulwarks against such advances, strong as they were, had much less strength in Virginia than in England. The absence of a powerful territorial nobility weakened the position of the landed proprietors. Moreover, though in name the English Church in Virginia was a replica of the Church of England, in fact it developed into something wholly different. In England the parson was appointed for life and held a position completely independent from any interference on the part of his parishioners, although he might be in a position of subservience to the local magnate who was very often the patron of his living. Very different was the Church system as it prevailed in Virginia. Here the parish was the local unit for the administration of religious affairs, the parish being represented by the vestry, a body elected by the free vote of the parishioners or at a later date by the suffrage of the freeholders and householders. To the vestry belonged the appointment of their parish clergyman, though actual induction was placed in the hands of the governor. Vestries, however, were able to elude the necessity of this step by appointing their ministers only from year to year, thus avoiding the consequences that would have followed from such induction. After it the minister could claim a life tenure of his living, and became at once independent of his congregation's favour or disfavour. This state of things, under which all that concerned the Church and religion in Virginia was delegated to the mercy of the people,[1] was naturally resented by many of the clergy and undoubtedly it increased the difficulty of finding suitable Englishmen for the Virginian ministry. There was undoubted force in these criticisms and they were powerfully supported by the able and shrewd commissary, James Blair.[2] On the other hand, formal induction might foist upon an unhappy parish a minister who proved incompetent or even worthless. It was impossible for people in Virginia to obtain the same knowledge of the character of candidates as could be obtained by a patron in England. Moreover, Beverley, who spoke with authority, maintained that very rarely was a minister dismissed without grave cause, and that no qualified clergyman ever returned to England for want of preferment in Virginia.[3] With this controversy, however, we are not here concerned; the one point that interests us is the manner in which such a system of Church establishment favoured the development of democratic aspirations.

It was not only in dissident New England that politics had affixed its mark to religious controversy; in the old dominion itself, the original home of loyalty and obedience, Church and State found themselves at angry issue. Many causes contributed to the inefficiency of the Virginia clergy, amongst which were the size of the parishes

[1] Godwyn, *Negro's and Indian's Advocate*, pp. 167 seqq.
[2] *Present state of Virginia*, 1697–8.
[3] Beverley, *Hist. of Va.* p. 213.

and the low rate of pay, which often obliged a clergyman to embark upon duties other than those of his calling. The treatment of the clergy in the matter of pay was a standing grievance which embittered the social life of Virginia and Maryland. Although glebes were regularly provided, in many cases the land was of a worthless character. There were continuous efforts on the part of the laity to diminish the sums received by the clergy in estimating the worth of tobacco. These culminated in the notorious Twopenny Act of 1755, which provided that for ten months payments which had previously been made in tobacco might be converted into money at 2*d.* per lb. or 16*s.* 8*d.* per cwt. It was urged that this law discriminated against the clergy by robbing them of the advantage of years when the price of tobacco ranged high. At the moment the grievance did not turn out to be serious, but in 1758 in anticipation of another failure in the crop a similar law was enacted for a year. This time the Act entailed serious losses on the clergy and it was finally disallowed. That, however, did not prevent it from taking effect until its disallowance was publicly notified in Virginia. The attitude taken up by the clergy in this matter was the cause of the fierce attack made by Patrick Henry in 1762 upon the Church of England in Virginia. The enthusiasm aroused by his diatribes shows the instability of its position.

Another influence that was bound to react upon the social life of the people was the more or less democratic character of the House of Assembly. It is true that during the last years of Berkeley's *régime* the House reflected the reactionary and autocratic character of the governor; but, taking the period as a whole, the Assembly elected by the freeholders represented the temper of the common people far more effectively than did the House of Commons in England. As early as the first decade of the eighteenth century we find Spotswood, no mean judge of men and things, deploring the tendency of the Virginian electors to prefer for their members men who were not gentlemen. But when such a state of things was beginning to prevail in the political world, how was it possible that it should not also influence social relations?

Whatever the future might have in store, at first it seemed as though another England was to burst into bloom on the American continent. Again and again in wills is found the use of the word "home" to describe England. Communication was constant between the two countries, the sea captains who made the annual voyage being willing intermediaries. In some ways society seemed to be more exclusive than it was in contemporary England. Thus in 1673 an unfortunate tailor was fined 100 lb. of tobacco for running a horse in a race, "a sport", it was solemnly affirmed, "for gentlemen alone".[1] The houses of the leading planters were built to recall as far as possible English

[1] *York County Records*, vol. 1, 1671–94, p. 34, quoted in Bruce, P. A., *Social life of Virginia*, p. 194.

manor houses. The cultivation of the staple crop, tobacco, promoted the extension of landed estates, virgin soil being required for its most successful growth. Side by side with the great landowners were the freeholders, whose estates were small. These yeomen for the most part belonged to an inferior class socially, but with the possession of the political suffrage they were destined in time to gain the ascendancy. Still, at the beginning, they were little regarded in the social life of Virginia.

The isolation in which the planters lived ensured to the passing guest a cordial welcome. Moreover habits of hospitality were encouraged by physical conditions. Most of the principal houses were situated on the banks of navigable waters. A boat was generally the most convenient way of approaching a friend; and when a party was given by some leading planter, a sailing vessel would bring a large number of guests who were picked up in the course of its voyage. Even to strangers the hospitality of Virginians was proverbial. "Virginia", wrote the author of *Leah and Rachel*,[1] "wants not good victual, wants not good dispositions, and as God has freely bestowed it they as freely impart with it." Nor was it only the rich who showed hospitality. Even "the poor planters", wrote the historian of Virginia, "who have but one bed, will very often sit up or lie upon a form or couch all night to make room for a weary traveller to repose himself after his journey".[2] One reason for this generous hospitality was the abundance of food. Game was plentiful throughout the colony, especially partridges, wild turkey and pigeons; whilst along the sea coast were great flocks of wild geese and ducks. The Virginian to a great extent lived in the saddle, and the pursuit of horses that ran wild in the forest gave to anyone the opportunity of obtaining a mount. Popular diversions, besides horse-racing and shooting, followed on the lines of those in England. Dancing and drinking played a leading part, though there seems to have been less drunkenness than in the mother country. Among games, that of ninepins was especially popular, as was playing with dice and cards. Betting was a habit very prevalent; and in some circumstances it received recognition from the law courts. At marriages and funerals English customs were followed and exaggerated, though the distance in many cases of the parish church led to the frequent celebration of marriages in private houses. There was little mingling of blood with the native Indians, and the marriage of John Rolfe with Pocahontas is the only instance of such a marriage during the early years of the colony when white women were few in number.

There were, however, certain public gatherings for which no precedents could be found in England. Such were the weekly meetings of the congregations before and after the Sunday services, the general muster and the general court day. Inasmuch as attendance at church was compulsory, the absentees from the Sunday meeting-place were

[1] Force, *Hist. Tracts*, vol. III.

[2] Beverley, *Hist. of Va.* p. 258.

few and far between. The general muster held for an entire county drew together much greater numbers, whilst its military character compelled the attendance of all classes of the community above the grades of servant and slave. The monthly court day was only attended by men, and was in the nature of a business meeting, wherein political questions such as the character of candidates for the House of Burgesses were freely discussed. It appears, however, that the gathering was often enlivened by drunken revelry, due perhaps to the absence of the restraining influences of feminine companionship.

Such was the social life of colonial Virginia; we have now to consider what place it held in the intellectual development of the country. If its intellectual standing were to be gauged by published output, the case would indeed be a sorry one. The distinguished historian of American colonial literature, M. C. Tyler, sought to enhance its dignity by crediting to Virginian inspiration the various works by Captain John Smith, George Percy, etc., in which Englishmen gave their impressions of the new world around them. But such works can no more be counted products of Virginia than are books of travel relating to new countries to be credited to the inhabitants of such countries. *Leah and Rachel*, by J. Hammond, was the first work that can be termed genuinely American. In sober fact colonial Virginia produced very little in the way of literature. Beverley's history, reflecting the best characteristics of an independent and self-respecting community, and the younger Byrd's graphic account of his expedition to draw the boundary line between Virginia and North Carolina, were the most considerable of its achievements. Nor were the reasons why a literary class failed to develop far to seek. A poet of nature might indeed have sprung into being amidst the primeval forests of Virginia; but none such appeared, and for every other form of literature the soil was eminently uncongenial. The isolation of colonial life was an obstacle, and the friendly gatherings which took place were not of a nature to encourage the writing of books. Again the difficulties that stood in the way of education, the absence of a university for nearly eighty years and of a printing press for a still longer period were factors making for literary sterility; whilst the persecution of Quakers, Dissenters and Catholics barred the way to the opening for intellectual controversy.

But literary output is by no means an altogether fair criterion of a community's intellectual capacities. The interest felt in education was made manifest in various ways. Again and again provisions in wills are concerned with bequests for the future education of children.[1] In the case of orphans the county court showed extreme solicitude with regard to the same subject.[2] No small proportion of the richer planters sent their children overseas to receive an English education.

[1] See numerous instances in Bruce, P. A., *Institutional Hist. of Virginia in the seventeenth cent.* I, 296–307.

[2] *Ibid.* I, 308–15.

Amongst these Richard Lee acquired such learning that in after life he wrote marginal notes in his books in Latin, Greek and Hebrew.[1] The younger Byrd was educated in Holland as well as in England and well repaid in after years the trouble taken in his upbringing. By those who were unable or unwilling to send their sons to England, private tutors were generally employed; very often the children of neighbouring houses joined forces to make a single class. Sometimes the tutor made himself useful in ways outside his functions as teacher. In some cases these tutors were imported from England; not infrequently they were under indentures—but in no case was there evidence of any criminal taint such as too often was found amongst the teachers in the early years of New South Wales. Nor were schools wholly absent, as has been alleged. The old Field School was an institution prevailing in many country districts, the clergyman often adding to his income by looking after this institution; whilst the readers who took the place of the parish clergymen in their absence very often acted as teachers. The public authorities seem generally to have shown their zeal "for the encouragement of learning and instruction of youth...by inviting able tutors". Beside these private schools were several free grammar schools, set on foot and endowed by Virginian planters. There is ample evidence that Berkeley was telling an untruth when in 1671 he thanked God that there were no free schools in Virginia. Whether or not such "learning" in his words "had brought disobedience and heresy and sects into the world", it seems evident that the people of Virginia did not share his opinion.

Although the great scheme of the Virginia Company for an Indian College came to nothing, and the projected college of 1660–1 was also a failure, towards the close of the century the growth of the colony in wealth and population was sufficiently great to render possible the establishment of the College of William and Mary. Yet without the active interest and assistance of Governor Nicholson, the success of the project might have been further delayed. English sympathies were enlisted by a visit of Blair to England, who emphasised the argument that the proposed college would be a bulwark for the English Church. The story may or may not be true which represents the English Attorney-General, when told that the colonists had souls to save, as making answer, "Souls! damn their souls! make tobacco!" but in any case this was not the attitude adopted by the Government. A charter was obtained in February 1693, and in August 1695 the foundation stone was laid of the new buildings, and two years later the work of the grammar school was begun. Ten years later "the Humanity Professor" himself confessed that the college still remained a mere grammar school without professors in Philosophy, Physics, Mathematics or Divinity. Still, the ball had been set rolling, and it

[1] Lee, E. J., *Lee of Virginia*, p. 75.

was not long before the college was able to justify its existence, becoming in process of time the Alma Mater of Jefferson and of Marshall.

A further proof that the people of Virginia were not devoid of culture is the existence of private libraries throughout the colony. Numerous special bequests of books in wills show the value that was attached to them from the earliest times. Research into the records proves that there were numerous owners of books in every county; and the whole number of volumes in the colony must have amounted to many thousands. To possess books does not always mean the reading of them. Still the existence of a library is a manifest recognition of the things of the mind. Moreover a further argument can be adduced in proof of the general culture prevalent. Except in the case of W. Fitz-Hugh and the elder W. Byrd complete collections of letters have not been preserved, but such as have come down to us point to the intellectual capacities of their writers; and the State Papers issued by the House of Burgesses are on the same level as those of the mother of parliaments. At the time of the Revolution it was men of Virginia who were the leading asserters of the American claims; but it was the training received from generation to generation in their ancestral homes that fitted them for the task. In the presence of slave labour the haughty self-sufficiency of the Virginian planter no doubt recoiled from a position of subordination; but without an intellectual training the indignation could only have found an outlet in the field of action.

It is true that the Virginian aristocracy did not for the most part express themselves in published writings; but their attitude is sufficiently illustrated by what happened at the time of the Revolution. It might have been thought that the close connection between their staple crop, tobacco, and the mother country would have been a bond of union, but the Virginian grower always acted through the intermediary of merchants, so that no personal communication was involved, whilst the low price of tobacco was a continual cause of friction.

Undoubtedly, however, the main cause of alienation was indignation aroused in the Virginian aristocracy by the cavalier treatment accorded them by the British authorities. Yet Virginia itself was no exception to the general rule of the advance of democracy. Bacon's rebellion in 1676 was a protest of the small landholders against the control of Church and State being absorbed in the hands of the wealthy planters, and when in the next generation we find Spotswood lamenting the disinclination of the Virginian voters to return gentlemen to the Assembly, his struggle was with a new democracy of frontier farmers, consisting of indentured servants, who had served their time, and of new immigrants, to whom a very extended suffrage gave political power. Nor were the growing pains of democracy the

only trouble with which the British governor had to cope. On paper his powers were autocratic; but in fact he had to contend with a powerful colonial oligarchy which was able largely to keep in its own hands the sweets of office. Unlike its Canadian successor, the Virginian "family compact" was such literally, no less than six members of the council being related to Ludwell, the Auditor-General. That the governing clique was not an alien body, but one purely the production of Virginian soil, added to its power and influence.

In this state of things British governors failed in securing adherents to the interests of Great Britain from among the Virginian aristocracy, and so, when the catastrophe came, the old dominion which had once been a byword for loyalty to the Crown was one of the colonies wherein loyalism was weakest. That, however, there was of necessity no strong social antagonism between an English governor and the colonists is shown by the fact that Spotswood, when his period of office had come to an end, elected to found a new home in Virginia.

The life of South Carolina was in many ways a replica of Virginian life. There was the same love of English field sports and the same jealous cultivation of English ideals. As in Virginia, a "plantation" was a community in itself, with the artisans necessary for its purposes. On the other hand, the physical circumstances of South Carolina emphasised the necessity for the development of negro slavery, though it seems that the slaves received their fair share of the prosperity caused by the cultivation of the new rice fields. South Carolina, however, possessed one great advantage over Virginia, in that it had a capital city, Charleston, which greatly helped to develop the new colony. For many years there was a colonial aristocracy which grouped itself around the governor, and it was the gradual supersession of its members in offices of trust by impecunious nominees from England that helped to impair the loyalty of the colony to the Crown. For a long time communication with England was constant and frequent. The voyage took about six weeks, and it seems that there were few gentlemen in South Carolina who had not been to Europe. The merchants of Carolina were prosperous and the planters were rich. These men were tolerably well contented with things as they were, but when their sons arrived home from England their disgust was great in finding the seats in the governor's council, in which their fathers and grandfathers had served, no longer within their reach. "We none of us", Josiah Quincey quotes several of them as saying, "when we grow old and expect the honours of the State receive them, they are all given away to worthless poor sycophants." The grievance was all the more felt because the social life of Charleston was more developed, perhaps, than even that of Philadelphia. Of all the American towns, Charleston is said to have approached most nearly to the social refinement of a great European capital.

We do not associate the Carolinas with the idea of religious enthusiasm, but, according to George Whitefield, a glorious work had been begun and was carried on in Charleston. Many souls had been awakened to a sense of the divine life. The alteration in the people since his first coming had been surprising.[1] But, whilst in these critical years the canker of disunion was beginning to work, and slowly, but surely, the ties of union between the South Carolina aristocracy and the mother country were beginning to be unloosed, a formidable insurrection in North Carolina showed how weak were the bonds of union among the colonists themselves. The war of the "regulation" was an uprising among the people of the western part of North Carolina. They complained that they did not receive proper representation in the colonial Assemblies, that they were unjustly taxed, and that they were refused justice at the hands of the provincial officers. The "Regulators" were put down by force of arms, but little or nothing was done to remedy their just grievances. Thus in the revolutionary war the sympathies of these men, in spite of their democratic prejudices, were with the British authorities because the colonial aristocracy had taken the other side. The story further illustrates our main thesis that the most important causes working for the change were the democratic tendencies that were everywhere developing.

Little need be said about the social life of North Carolina. It resembled that of South Carolina, though on a less civilised and in every way rougher scale. A recently discovered manuscript in the British Museum[2] gives a singularly vivid description of what was seen by a woman of great intelligence though of strong prejudices. Miss Schaw arrived in North Carolina in the beginning of the Revolution and the indignation of a perfervid loyalist at the treachery surrounding her detracts from her value as an impartial witness; nevertheless she was a most shrewd observer of men and nature. Her opinion of the common people of North Carolina was not high. Nature, she maintained, held out to them everything that could contribute to conveniency or tempt to luxury, yet the inhabitants resisted both, and if they could raise as much corn and pork as to subsist them in the most slovenly manner they asked no more; and, as a very small proportion of their time served for that purpose, the rest was spent in sauntering through the woods with a gun, or sitting under a rustic shade drinking New England rum made into grog, a most shocking liquor. By this manner of living their blood was spoilt and rendered thin beyond all proportion, so that it was constantly on the fret, like bad small beer, and hence the constant slow fevers that wore down their constitutions, relaxed their nerves and enfeebled the whole frame. They were tall and lean, with sallow complexions and languid

[1] Whitefield, George, *Works* (1771), I, 199.
[2] Andrews, E. W. and C. M., *Journal of a Lady of Quality*, 1774–1776.

eyes, when not inflamed by spirits. Their feet were flat, their joints loose and their walk uneven. Miss Schaw was careful to explain that she was only speaking of the peasantry, as hitherto she had seen nothing else, and she was sure that when she came to see the better sort they would be far from this description. "For though there is a most disgusting equality, yet I hope to find an American gentleman a very different creature from an American clown. Heaven forfend else."[1]

A very unpleasant picture of the temper of the people of North Carolina as reflected by their political representatives is drawn by the despatches of Governor Dobbs to Pitt in 1760. They refused any aid for public services except during the war against the Cherokee Indians. For their pretended aid of men they raised no tax but expected the governor to issue £12,000 in notes without a sinking fund. When Dobbs refused to assent to such a measure, they formed themselves into a Committee of the whole House, and locked their doors and bound themselves to secrecy under the penalty that if any should divulge their resolutions they should be expelled the House and for ever rendered incapable of being re-elected a member of any future Assembly.[2] The fact that Lord Granville owned at least a third of the colony may not have conduced to social content.

Interesting as was the foundation of Georgia from several points of view, it could not be expected that a colony, started as a refuge for men bankrupt or in extreme poverty, should add much to the intellectual or social life of the eighteenth century. A melancholy account of its condition is given in a despatch of Lieutenant-Governor Ellis to Pitt of 1 August 1757. The colony had been settled for twenty-five years. "It was originally intended to be a receptacle for the poor of our parishes and gaols", and for many years the bulk of the people had their provisions served to them out of the public store. For a long time slaves were excluded, but even after their introduction the white population of some 4500 were so very poor that they could barely obtain a living.[3]

In striking contrast with the social conditions prevailing in Virginia were those which took root in New England. In one respect, indeed, there was some similarity. If among the men who settled in Massachusetts there were fewer with aristocratic connections than was the case in Virginia, they were upon the whole of good stock, representing the squirearchy and bettermost yeomen of the eastern counties. But here the resemblance ended: whereas in Virginia the nature of the soil and the inclinations of the immigrants had promoted isolation, in New England, on the other hand, everything centred in the town community. It was intolerable that people should be allowed to live "lonely and in a heathenish way, from good societie".[4]

[1] Andrews, E. W. and C. M., p. 153.
[2] *Correspondence of Pitt with Colonial Governors* (ed. Kimball, G. S.), II, 297–300.
[3] Kimball, I, 91–2.
[4] *Plymouth Records*, V, 169.

No community ever undertook with more success the work of expansion than did the men of New England. It was not allowed that pioneers should advance into the wilderness to lead an isolated life. A group was organised, consisting of members whose holdings were about the same. On application from a body of men for leave to found a new community, the General Court appointed a committee to view the land and report. The amount granted varied in area but was generally about six square miles. In no case were the individual farms of any large extent. Town lots were usually reserved for the support of free schools and ministers. The provision of a church was necessitated by the presence of a minister. In the seventeenth century no sales were made to individuals or to companies with the reservation of quit-rents, nor was there any system similar to the fifty-acre grants in Virginia. The lands were given to groups under nominated proprietors for the purpose of establishing communities. These proprietors were intended to hold the lands in trust to be assigned to inhabitants under such restraints as would secure the persistence of Puritan ideals.

We have here the keynote to the Puritan system: the creation and maintenance of a Bible commonwealth wherein Church and State should be fused into a common whole. Unfortunately this ideal could never be realised. Church-membership was necessary to obtain a vote; but it seems that at no time under the first charter would the numbers of voters have amounted to more than one-fourth of the possible voting population, had this condition been enforced. With the political consequences we have here nothing to do, but undoubtedly these reacted on the social life, rendering it narrow, exclusive and arrogant, those outside the social ring being regarded as mere hewers of wood and drawers of water, pariahs so far as the life of the community was concerned.

The development of agriculture in Massachusetts began with the planting of Indian corn, which had been known to the Indians, the needed fertiliser being provided by the plentiful supply of fish. Thus, though it was preceded in time by the fur trade, fishing became the most important commercial interest and the corner stone of New England prosperity, inasmuch as by its means an effective exchange was provided for goods received from the West Indies and the Roman Catholic countries of Europe.[1] Of great importance was the influence of the fishing industry upon the development of the independent character of the New England population, that influence being as a rule hostile to Congregational orthodoxy.

It must always be remembered that there was at first, even in New England, no approach in social life to democratic equality. The aim of the new society was to maintain the English traditions of rank and station, so far as they could be adapted to the needs of a new

[1] Weeden, W. B., *Economic and Social History of New England*, 1620–1729, I, 88–90.

environment. But nothing in the nature of fixed ranks was recognised; in one case at least the five persons appointed by the court to lay out a new town assumed the power of dividing the inhabitants into three ranks; and committees appointed by the town continued this practice and seem to have exercised the authority of censors, degrading and promoting from one rank to another at their discretion.[1] The absence, however, of fixity of rank did not diminish the respect with which its holders were regarded. Seats were allotted in church according to the social position of the holder, and so great was the respect paid to individuals that a man was fined for saying that the horse of a leading citizen was as lean as an Indian dog.[2] When in Connecticut in 1676 a sumptuary law endeavoured to restrain the wearing of gold or silver lace or gold and silver buttons, etc., by means of high taxation, magistrates, their wives and children, and military officers or "such whose quality or estate have been above the ordinary degree, though now decayed", were exempted from the operation of the law. The great majority of the inhabitants were addressed as "goodman", only one in fourteen of the freemen in Massachusetts, constituted before 1649, enjoying the title of "Mr". The common application of "Mr", "Mrs", and "Miss" was a gradual recognition of personal rights which was adopted very slowly.

When New England started on its way there was every promise for its intellectual future. Its earliest divines were men of profound learning. Its system of free schools and the establishment of Harvard College for the pursuit of more advanced studies put it on a higher plane than that occupied by any other English colony. How was it then that the results obtained were so profoundly disappointing? The answer lies in the jealous concentration on a narrow theology, which made impossible the general development of a liberal culture. The testing ground of this theology was intellectual opposition. Roger Williams was the first to beard the theocracy in its den. The cause of orthodoxy was managed with considerable skill by the divines, so that Roger Williams was manœuvred into the position of appearing to hold views incompatible with the recognition of the sovereign State, but the real cause of offence was his assertion of the principle of religious toleration. Roger Williams underwent banishment, but the foundation of the new colony of Rhode Island and Providence Plantations was a greater triumph for his principles than could have been any technical success for his views in the courts of Massachusetts.

But after Roger Williams a yet more dangerous enemy appeared upon the scene. It must indeed have been aggravating for the self-complacent elders to be told by a mere woman that, with a very few exceptions, grace was not with them. Nothing can justify the rough treatment accorded to Mrs Hutchinson, a woman of virtuous life and spiritual gifts; but, given human nature, the course adopted by

[1] Weeden, I, 281. [2] *Ibid.* I, 282.

the ruling clique was natural enough. A deeper slur on the good name of Massachusetts is the treatment accorded to the Quakers. It is true that the Quakers had been roughly handled in England, and that toleration was not yet recognised anywhere; but there was a special brutality in the persecution employed by Massachusetts, involving in several cases the punishment of death, and there was a complete ignorance of the fact that the *raison d'être* of New England was the assertion of the principle of religious toleration against the intolerant attitude of the English established Church. Undoubtedly the action of Massachusetts greatly scandalised well-wishers in England, both Presbyterian and Independent, and some of the wisest words in favour of toleration were spoken by Oliver Cromwell. Such, then, was the religion of New England that dominated the social life of the colony so far as it was articulate, a grey, grim religion, full of denunciation and repression, breathing the spirit of the Old Testament in its severest moods and wholly devoid of that spirit of Christianity which had called into existence another world.

To understand the life of a generation no better means can be found than to study the intimate diaries of representative men. In the case of Samuel Sewall we are singularly fortunate. For more than fifty years Sewall kept a diary of his daily life, and, though the light thrown on contemporary politics is very small, for our present purposes this does not matter. Sewall was assuredly no hypocrite; but he had become so steeped in the prejudices of his time and place that he was unable to notice the distinction between genuine and conventional wrongdoing. Thus, in his belief, to wear a periwig was to commit a heinous offence, and to keep holy the day on which Christ was born was a serious sin. So touchy was Sewall's conscience that he seriously proposed to abolish the names of the days of the week. The week only, he urged, of all parts of time was of divine institution, erected as a monumental pillar for a memorial of the Creation perfected in so many distinct days. It must be remembered, Sewall was no mere average New Englander. He was an M.A. of Harvard and for a short time was a fellow and tutor of that college. In 1684 he was chosen a magistrate. In 1692 he was appointed by William and Mary a member of the first council under the new charter, and was afterwards elected year by year a member of that body until 1725, when he refused to be again elected, having outlived all the others nominated in the fundamental constitution. In 1692 he was made a judge and in 1718 Chief Justice, remaining in that position for ten years. On several questions he showed great sagacity. He advocated the cause of sound money with exceptional vigour and acumen. He was one of the earliest and most enlightened opponents of the African slave trade, and wrote an able pamphlet against its continuance. He showed his weakness indeed in falling a victim to the witchcraft delusion, but his public recantation when once he had

realised his error was a singularly noble and dignified declaration of repentance.

Such then being the man, what kind of life did he lead? In fact the world into which he introduces us seems mainly concerned with funerals and church meetings. On one occasion he solemnly enumerates the times he has acted as bearer at funerals; and he never attends church or meeting without giving the text and generally adding a short synopsis of the sermon. On the subject of toleration Sewall did not rise above the level of his contemporaries. Quakerism seemed to him "a devil worship". The merciful vagueness of the English Church burial service seemed a blasphemy to Sewall. "The office for burial is a lying, a very bad office; makes no difference." And yet what was the behaviour of this man of most tender conscience in the rough and tumble of everyday life?

If there is a question which concerns the higher side of human nature, it is surely that of marriage. But no worldling could approach that subject from a lower standpoint than did this devout exponent of orthodoxy. For forty years he had lived with his first wife who had been the mother of fourteen children, of whom only four survived. She died in October 1717, and in the following February we find him wondering whether to lead a single or married life; and nothing can be more repellent than the story of his successive courtships, wherein worldly interests always played a considerable part. The same coarseness of fibre was still more conspicuous in his attitude towards historical buildings. He visits England and comments on Canterbury Cathedral that it is very lofty and magnificent but of little use. What appealed to him in Oxford seems mainly to have been the good fare in New College. Yet more characteristic is a conversation with Dudley wherein Sewall maintained the necessity of the belly playing its part in the Resurrection body. We shall note in dealing with Cotton Mather how the absence of the spiritual was the keynote in the development of the New England character. Not less significant was the attitude of superiority which boded ill for the future, and the significance of Sewall's journal is that it discloses to us in an easy and handy form the causes of the dissonance of feeling between old England and New England. When Englishmen appear on the scene, roystering and behaviour scandalising the unco' guid are sure not to be far away. Nicholson was an excellent example of a hardworking patriotic English official, but how he must have fluttered the dovecotes of precise New England. The degeneracy of Joseph Dudley must have seemed to Sewall the direct outcome of English influences; when Shute arrived as governor, who had been brought up under nonconformists, the governor's going to Dudley's house made Sewall fear that he could no longer be trusted. In spite of Sewall's cautious and conservative temperament his speech when Dummer became acting-governor on the departure of Shute for England shows the

trend of his sympathies. "Although the unerring providence of God has brought you to the chair of government in a cloudy and tempestuous time; yet you have this for your encouragement that the people you have to do with are a part of the Israel of God and you may expect to hear of the patience and prudence of Moses communicated to you for your conduct. It is evident that our Almighty Saviour counselled the first planters to remove hither and settle here; and they dutifully followed His advice, and therefore He will never leave and forsake them now.... *Difficilia quia pulchra.*" Nothing can be plainer, England is still Egypt, the land of darkness from which the chosen people took their flight. It was not likely that the children of Israel should look for light and leading, for a Moses or Joshua, from among the sons of the land of their captivity. The very moderation and geniality of Sewall's nature makes more impressive the strength of his conviction and all that such conviction implied. On the face of it to a man of Sewall's temperament rebellion would seem as the sin of witchcraft; and yet if the choice were to be between religion and political obedience is there a doubt upon which side Sewall's choice would have finally come down?

We have dealt at some length with a New Englander of more than average ability and goodness, because in his diary we find a singularly vivid picture of the outlook of such an one upon the social circumstances surrounding him. Turning to another diary of a distinguished divine, we can look upon another aspect of the New England character. Cotton Mather was a singular instance of a mystic whose mysticism did not lift him to a spiritual world above that of the senses. No doubt he injured his health by continuous fasting and wrestling with the powers of evil. But unfortunately such wrestling left little mark upon his moral character, and in spite of several professions of goodwill towards all that might have injured him, we find him in the individual cases displaying a spirit of rancour and malevolence that showed little of the Christian character. Thus one Calef having ventured to question Mather's views on the witchcraft question, he breaks out in a fit of unbridled passion, the elder Mather burning the book[1] in the quadrangle of Harvard.

It must always be remembered that Cotton Mather lived at a time of transition. The reign of the divines was coming to its close, and though the Mathers professed to approve the new charter because the elder Mather had been one of its creators, its effect was none the less to subvert in the long run the dominant theocracy. Once political power ceased to rest on theological convictions, social emancipation was bound to follow upon political. Again and again we find Mather lamenting the fallen estate of the clergy. After a meeting of ministers on 15 January 1722 he maintained that (except amongst a few of his own little remnant of a flock) religion appeared to be almost entirely

[1] Calef, Robert, *More Wonders of the Spiritual World* (1700).

extinguished in Massachusetts. He would have to apply his faculties in projects to do good in more distant places. Assuredly whatever accusations may be brought against Cotton Mather, he cannot be accused of idleness. There was hardly a country in Europe where Protestants existed which did not come under his anxious ken. He combined the character of the practical propagandist with that of the literary man. His first studies had been in the medical line and his scientific capacities were thought sufficient to cause him to be elected as a Fellow of the Royal Society, but it is eminently characteristic that Mather used the letters some time before he was formally elected.

Although he professed no fondness at all for applause and honour in the world, even in his acknowledgment of mercies received there is an egotistical twang which is singularly unpleasant. "My auditory is always one of the greatest that is ordinarily given among the people of God." He extols the serviceableness of his writings. In this connection it is curious that the Erastian mother country showed often greater readiness to publish his works than did the publishers of Massachusetts. What, however, he considered his *magnum opus*, the *Biblia Americana*, fortunately for conscientious students of such works, was never published. A fair estimate of Mather's powers may be obtained from a glance through his greatest work, *Magnalia Christi Americana*. The author himself had no doubts as to its merits. He looks forward to animadversions of calumnious writers just as poetasters dealt with the *Bucolics* and the *Aeneid*. It never occurred to him that his amorphous work might be neither accurate in its facts nor distinguished for its style. As an example of his capacities as an historian we may note the manner in which the dull and self-willed Sir W. Phipps is given a high place in the Olympus of Massachusetts worthies. Nothing can be more jejune or lifeless than the account of Harvard. Harvard was in other ways a sore point with Mather. He seems with some reason to have expected that he would be elected President, and great was his disgust when his expectation was disappointed. Yet the House of Representatives in the General Assembly and as full a house as has been ordinarily known unanimously voted the most unworthy man in the world as President (March 1703). Nor was he more successful twenty-one years later, but he had then the consolation that the affairs of the college had been so mismanaged that to remedy things would be an almost impossible task.

Meanwhile things were not moving generally in a direction favoured by Mather. Boston, he writes in 1721, has become a Hell upon earth, a city full of lies, murders and blasphemies. Satan seems to take a strange possession of it in the epidemic rage against that notable and powerful and successful way of saving the lives of the people from the dangers of smallpox. The gallant stand he made on behalf of inoculation must always be entered to the credit of Cotton Mather. In other ways he showed himself active in the ranks

of reform. The singing had become so great a scandal in the New England churches that an organised effort was made to set on foot decent choirs. In Boston the change was accepted readily, but in some of the country churches it led to scandalous scenes. The zeal of some congregations transported them so far that they not only used the most opprobrious terms and spoke of the singing of these Christians as worshipping of the devil, but also they would run out of the meeting house at the beginning of the services. As an instance of Christian charity note the language with which Mather comments on the illness of Dr Oliver Noyes: "Within these few days God has in a marvellous manner and at a very critical moment smitten with apoplexy one who has been and still would have been the greatest hinderer of good and misleader and enchanter of the people that there was in the whole House of Representatives." That he died the next day was no doubt a further proof of divine interposition. The extreme bitterness of Mather's comments makes it difficult to know how far his statements may be accepted as true. When the ungodly doings in the new North Church caused the building of a new and very large brick meeting house, the finest in the country, and when by this a certain number of Mather's flock were lost to him, his comment is that the religion of pews, which with a proud, vain, formal people seemed to be now the chief religion, was the only motive at work; and yet in a letter to a correspondent he had written that his congregation hardly missed any of its members and the church collections were larger than before the secession. Within a few months another new church would be formed in the south part of the city, and then there would be seven Congregational churches in Boston besides a High church, a synagogue and one of the Baptists, together with the French Church with which they lived in all decent communion. Mather drew a melancholy picture of Christianity outside New England.

> For one must make very free with that worthy name if it be said that Christianity is yet well introduced into the English Plantations. Our islands are indeed inhabited by such as are called Christians. But alas! how dissolute are their manners and how inhuman the way of their subsistence on the sweat and blood of slaves treated with infinite barbarities. What little worship of God they have, as it is confined within the English liturgy, so it is too commonly performed by persons of a very scandalous character. On the continent the colony of Carolina was in a fair way to have been filled with a religious people until the Society for the Propagation of Religion in Foreign Parts unhappily sent over some of their missionaries thither, and I am informed that with them and from that time a mighty torrent of profaneness and wickedness carried all before it.[1]

It would seem that this statement is wholly false. The Carolina clergy never reached a high level of efficiency; but as between the native product and the missioners sent out by the Society the latter seem to have been in every way superior.

[1] Letter of 6 August 1716, *The Diary of Cotton Mather*, pt II, Mass. Hist. Coll. ser. VII, vol. VIII.

We must always remember that the ice was cracking under the feet of the Puritan divines during the life of Cotton Mather. In every direction the old ascendancy was being threatened. The Baptists and Presbyterians were extending their influence, and the Church of England itself was establishing a solid footing in sacrosanct New England. It was a reasonable complaint of the doings of the Society for the Propagation of the Gospel that they were too often more interested in endeavouring to make converts of Congregationalists than to bring the heathen into the fold of Christianity. Still, even according to Mather himself, all was not well within the orthodox Church. He proposes to write to one or two of the principal ministers in Connecticut concerning the fearful circumstances into which the love of rum had brought several even of their principal ministers and by consequence very many of the miserable people. He understood that even amongst the communicants of his own church were several wicked people, some that frequently drank to excess, and some that had enticed if not seduced others to adulteries. Yet such things seem to have shocked him less than the apostasy of a famous French confessor at New York who had actually presumed to join the Church of England.

In this state of things there was ample room for the great awakening which took place soon after Mather's death. If reform was to come about, it could hardly be by the influence of the Church of England as represented at its best by such a man as Samuel Johnson. Johnson was the friend and disciple of Berkeley, a man of unblemished character and singularly tactful in his dealings with other men. But he disliked to the full "enthusiasm" in all its manifestations, especially when it took the form of physical contortions. His attitude towards the movement was simply one of puzzled disgust; and whatever sect profited by the great awakening, it was assuredly not the Church of England. The two protagonists of the movement were George Whitefield and Samuel Edwards. In all ways except in that of platform oratory the latter was by far the greater man. Whitefield's command over the emotions of his audience was marvellous, but the intellectual quality of his oratory was otherwise low, and he travelled again and again over a few favourite subjects, sin, regeneration and the new birth. Whitefield had been a clergyman of the Church of England, but his contempt of the canons for established authority soon placed him in open opposition and he became a virtual dissenter. It must be remembered that Whitefield was an Englishman and that so far as the great awakening was due to him it was not indigenous to the American soil.

Edwards's nature was much more difficult to understand. Graduating at Yale in 1720 and becoming for a time a tutor there he devoted his time largely to the study of philosophy. The reading of Locke's *Essay concerning Human Understanding* gave him a delight "greater than

the most greedy miser finds when gathering up handfuls of silver and gold from some new discovered treasury". But Edwards's reading never led him in the direction of deism. The mystical and poetical element in his nature was strong, helping to realise for him a sense of the immediate divine presence and influence. Unfortunately the logical and formal system of Calvinism adopted by him necessitated a view of the Godhead which profoundly shocks the ideas of most people in the twentieth century. In any case this powerful intellect and inspiring character could not in those degenerate days have his way even with his own congregation. His proposed denunciation of young men belonging to influential families for the possession of obscene literature aroused great indignation amongst his Northampton congregation, which was redoubled by his attempt to keep unconverted people from taking the sacrament. The consequence was that he was dismissed by a large majority of the congregation, and the most distinguished of living American divines had to content himself with the tenure of an obscure mission station. It is true that in 1738 he was appointed President of New Jersey College, Princeton, but he died within a few days of his appointment.

The effects of the great awakening were, as is always the case, to some extent ephemeral with regard to its converts; but there can be no question of the permanence of the blow it inflicted on the policy of the established Churches, whether Congregational or Episcopalian. With regard to the latter it became clear that the establishment must remain the Church of a cultivated minority, and that the full breath of a national outpouring must seek some other channel for its outcome. It was the misfortune of American history that questions which should have remained purely religious found themselves whirled into the maelstrom of party politics. The Church of England represents a type of temperament no less than a body of doctrine. It might have been necessary in its beginning for the safety of the Congregational Churches that they should surround themselves with battlements that could not be scaled. But, when once it was manifest that New England could never be absorbed by the English established Church, it was wisdom no less than justice to tolerate the individual expression of opinion within reasonable limits. Again, it was obvious that there were grave inconveniences in American candidates for orders finding it necessary to cross the ocean before they could obtain ordination; and something more was needed than the powers of a commissary to maintain due order and discipline within the fold of the Church. It is significant that when once the American colonies achieved their independence, the appointment of an American bishop was obtained without friction or controversy. Very different had been the past history of the question. No doubt there were men like the saintly Berkeley who approached the subject merely from the point of view of one zealous for the well-being of the

Church; but from the correspondence of the time it is pretty clear that there were others who were playing for political stakes in their advocacy of the measure. What politicians on either side failed to realise was the resisting force of Whig Erastianism which was not going to burn its fingers for a denominational crusade. Moreover, the movement in favour of an Anglican bishop had no very general support amongst American churchmen. Many an idle and remiss clergyman in the south dreaded the presence of a bishop who could keep him in due order. It was impossible to make the colonists believe that the powers entrusted to the bishops would not be greater than those enjoyed by the commissaries. Such enthusiasm as there was, was mainly confined to New England, and here, as has already been hinted, the political argument, even when subconscious, was not without its influence. It is doubtful how far John Adams deliberately exaggerated the importance of the question as coming within the domain of practical politics. What is certain, however, is that where men such as Walpole and Newcastle were concerned, there was little risk of a change being effected which would neither be popular nor produce benefit to the British revenue. For us the significance of the movement lies in the fact that it embittered social antagonisms and strengthened the hold of party upon the members of the various denominations. It was certainly a success for the cause of toleration that the high-handed Congregational Churches found themselves compelled to give a grudging assent to measures excusing from taxation for Church purposes Baptists and Anglicans who were already maintaining their own places of worship. The bitterness of men like Mayhew on the one hand and Seabrooke on the other was due to political as well as religious antagonisms. When the great disruption came, the members of the Church of England were almost to a man convinced Loyalists, and independence in religion was followed inevitably by independence in politics. For it must be remembered the quarrel was no longer between differing members of the same Church. Immigration, as we have seen, had completely altered the whole character of Virginia. The men who flocked to the West cared nothing for forms of Church government, so that even Virginia had to come under the new influence. More dangerous to Puritan orthodoxy than the growth of Baptists or even of members of the Church of England was the development of Unitarianism which began to show its head in the first quarter of the eighteenth century, becoming more and more a powerful factor in New England life.

In New York the Church of England was formally established by law, but its position was from the first a very precarious one, having no popular support behind its enactment. In 1714, out of a population of 45,000, not more than 1200 attended the English service and not more than 450 were communicants. The position of the clergy

was well stated by a clergyman writing to the Society for the Propagation of the Gospel (11 April 1711): "My great business is to plant the Church of England among prejudiced, poor and irreligious people, who are more apt to receive than to give, who think it a hardship to pay their dues; and we dare not use the law for fear of bringing odium on the Church".[1] Heathcote was an enthusiastic churchman, who sought with much courage, if with little success, to make converts to the Church of England among the people of Connecticut, but he fully realised the weakness of the position of the Church in New York.

Between the northern and the southern colonies, which stood out in every way differentiated from each other, lay the middle colonies. In 1692 the population of New York was still Dutch to the extent of about a half. The English came next in numbers; but already there was a considerable population of Protestant Flemings, of French, Iberian Jews, Danes, Norwegians, Swedes, Irishmen and Germans. What stood in the way of the colony's advance were the dealings in land which showed how speculation taking advantage of a lenient Government could debauch a land system. It must be remembered that before the Revolution the English system of large estates prevailed throughout all the colonies with the exception of New England. In Pennsylvania and Maryland as well as in New York there were estates containing thousands of acres. The manorial grants in New York included more than 2,500,000 acres. In 1769 it was reckoned that at least five-sixths of the inhabitants of Westchester County lived within the confines of its great manors—and the Van Rensselaer Manor, a hundred miles farther up the Hudson, covered an area of twenty-four miles by twenty-eight, being two-thirds the size of Rhode Island.[2]

The proprietary governors had disposed of land with discretion and restraint and usually made grants only to those who could settle and improve and who would pay a proper quit-rent. But with the arrival of Benjamin Fletcher the business took on a brisk and at times a scandalous activity. The most extraordinary favours of former governors were but petty grants in comparison to his. He was a generous man and gave the King's lands by parcels of upwards of 100,000 acres, and to some particular favourites four or five times that quantity.[3]

The Governors who granted these large tracts, if they knew their extent, were guilty of a notorious breach of trust; and as it cannot be supposed that they did this merely in the gaiety of their hearts they must have had some temptation and this must be supposed to proceed from those that had the benefit from it. That therefore the grantees were equally guilty with the Governor in deceiving the King is evident, and likewise in defrauding all the adventurers or settlers in the colony

[1] Fox, D. R., *Caleb Heathcote*, p. 209.
[2] Jameson, J. Franklin, *The American Revolution considered as a social movement*, p. 47.
[3] Cadwallader Colden, "The state of the lands in the Province of New York in 1732" in *New York Doc. Hist.* I, 375, 390.

of their equal chance of obtaining the most improvable and convenient lands, and preventing the improvement and settling of the colony, for which purpose only the lands are suffered to be granted.[1]

Nor was there any readiness to break these up. In these circumstances the immigrants naturally refrained from occupying the position of dependents and preferred to settle in other colonies where they could buy good freeholds amongst neighbours equally independent and self-reliant. The climate and soil were generally good, yet New York failed to compete with Pennsylvania, which, though started sixty years after New York, contained more than two and a half times its population at the beginning of the last French and Indian War. Still in spite of drawbacks New York increased its population. New York harbour was an open door for all Europe, and so there grew up a wide mixture of nationalities, a varied society, a varied economic life and many religious sects. As the historian of the frontier in American history has pointed out, New York embodied that composite nationality which is represented by the United States of to-day. It was democratic and unsectional, easy, tolerant and contented. This absence of political bitterness accounts for the fact which would otherwise be puzzling that in the Revolution, New York, by no means a specially British colony, contained the greatest number of Loyalists and did more than any other State to make the War of Independence a genuine civil war. In Pennsylvania the coming of foreign immigrants in great numbers caused much anxiety. It was seriously feared that the colony might not be able to preserve its English language.

Viewing the matter as a whole and estimating the social tendencies that were at work, it was not so much the difference between colony and colony upon which one should insist, as upon that continuous cleavage between the different portions of the same colony that was everywhere preparing the ground for a revolutionary change. Everywhere the individualism of the frontier was promoting democracy, and everywhere democracy was unable to find a comfortable dwelling place under the aristocratic system of government prevailing in the England of the eighteenth century. In colonies like Connecticut and Rhode Island, where there was no English Government to arouse antagonism, the old quarrel still went on between the rich and the poor which in the end generally resolved itself into a contest between the coast and the frontier. Thus the social conditions show New England moving surely if slowly to an inevitable goal.

It remains now to consider what was the intellectual level of the colonies when the first British Empire in America came to its inglorious end. We have seen that theology was on the wane, though in 1717 the publication by F. Wise of his *Vindication of the New England Churches*, a powerful defence of democratic government in

[1] *New York Col. Docs.* IV, 391.

Church matters, seemed to strike a new note in American theology. "The end of all good government", he maintained, "was to cultivate humanity and promote the happiness of all, and the good of every man in all his rights, his life, liberty, estate, honour, without injury or abuse to any." Hitherto there had been little achievement in the way of a literature on American soil. The first American newspaper was started in 1690, but it was short-lived. The *Boston Newsletter* followed in 1704. It would seem from the evidence of John Dunton, a travelling bookseller who was in Boston at the time that Andros was governor, that there were, as early as this, no less than thirteen booksellers in Boston who seem to have prospered very fairly in the business. In 1741 Benjamin Franklin began the issue of his general magazine and chronicle. T. Prince's *Chronological History of New England in the form of Annals*, vol. I, 1736, though it has been called the first scientific American history, was for its author only a failure and disappointment. The main direction in which the colonial world was moving was political, and it was in the school of politics that public men, especially Virginians, evolved that robust if somewhat florid style in the manufacture of State Papers which at a later date called forth the admiration of Chatham.

Still the humanities were not wholly neglected, and in this direction the versatile Benjamin Franklin played a leading part. It was he who set on foot small circles of students who should meet together and discuss the serious problems of life and knowledge. It is pleasant to read of him, still an obscure young printer, summoned to a conference with Burnet, the good governor of New York, simply to discuss literary questions. When we consider, moreover, the work achieved by Franklin in the direction of scientific research and in its organisation, quite apart from his work in the political field, we cannot over-estimate his place among the builders of a new American nationality. This work was largely unconscious, and Franklin was no doubt honest when he insisted upon colonial particularism as among the causes which must render impossible a disruption of the Empire; but none the less the leaven was at work with its momentous consequences. Franklin himself, as early as December 1754, had protested in a letter to Shirley against the idea of the colonies being taxed by an Act of a Parliament wherein they had no representative.[1]

The attitude of the American colonists towards the British, not very long before the final break, is shown by the experiences of the Rev. A. Burnaby, an intelligent clergyman whose comments prove him to have been a fairly impartial witness. His account of the quarrel over the payment of the clergy is singularly fair and dispassionate. Still even he was bound to confess that the public, or political, character of the Virginians corresponded with their private one:

[1] *Correspondence of W. Shirley, Governor of Massachusetts*, 1731–60 (ed. Lincoln), II, 103–7.

they were haughty and jealous of their liberties, impatient of restraint and could scarcely bear the thought of being controlled by any superior power. Many of them considered the colonies as independent States, not connected with Great Britain otherwise than by having the same common king, and being bound to her by natural affection. The climate and external appearance of the country conspired to make them indolent, easy, and good-natured; extremely fond of society and much given to convivial pleasures. In consequence of this they seldom showed any spirit of enterprise or exposed themselves willingly to fatigue. Their authority over their slaves rendered them vain and imperious.[1] Burnaby found the character of the inhabitants of Maryland much the same as that of the Virginians and the state of the two colonies nearly alike.[2] He was specially enthusiastic over the progress made by Philadelphia.[3] Only eighty years before its site was a wild and uncultivated desert, inhabited by nothing but savage beasts and men. It was now a city containing about 3000 houses and 18,000 or 20,000 inhabitants. It was built north and south upon the banks of the Delaware, being nearly two miles in length and three-quarters of a mile in breadth. The streets were laid out with great regularity, in parallel lines intersected by others at right angles, with many handsome buildings. On each side of them there was a pavement of broad stones for foot passengers, and in most a causeway in the middle for carriages. Upon dark nights the city was well lighted, and watched by a patrol. There were more than a dozen places of religious worship, viz. two churches, three Quaker and two Presbyterian meeting houses, one Lutheran and one Dutch Calvinist and one Swedish church, one Romish chapel, one Anabaptist and one Moravian meeting house. There was also an academy or college originally built for a tabernacle for Mr Whitefield. At the south end of the city there was a battery mounting thirty guns, but, as was natural in a Quaker colony, this was in a state of decay. The city was in a very flourishing state, inhabited by merchants, artists, tradesmen and persons of all occupations. There was a public market held twice a week upon Wednesday and Saturday, almost equal to that of Leadenhall. The streets were crowded with people, and the river with vessels. Houses were so dear that they would let for £100 currency per annum, and lots not above thirty feet in breadth and a hundred in length sold for £1000 sterling. There were several docks upon the river and about twenty-five vessels were built there annually. Burnaby counted upon the stocks at one time no less than seventeen, many of them three-masted vessels. Arts and sciences were yet in their infancy. There were some few persons who had discovered a taste for music and painting, and the study of philosophy seemed to

[1] Burnaby, A., *Travels through the Middle Settlements of North America*, 1759–60, I, 714–15.

[2] *Ibid.* I, 726.

[3] *Ibid.* I, 728–31.

be daily gaining ground. An excellent library propagated a taste for literature which the college helped to form and cultivate. This college Burnaby declared to be by far the best school for learning throughout America.

The Pennsylvanians were a frugal and industrious people; not remarkably courteous and hospitable to strangers unless particularly recommended to them, but, like the denizens of most commercial cities, rather the reverse. They were great republicans and in their ideas of independency had fallen into the same errors as most of the other colonies. They were by far the most enterprising people upon the continent. As they consisted of several nations and talked several languages, they were aliens in some respects to Great Britain, nor could it be expected that they should have the same filial attachment to her as her own immediate offspring had; however, they were quiet and concerned themselves with little except about getting money. In Burnaby's opinion the women were much more agreeable and accomplished than the men. He found Pennsylvania in a very flourishing condition, the country being well cultivated. Till the last war the people had been exempt from taxes, and it was not without difficulty that the Quakers were prevailed upon to grant any supplies for the defence of the frontiers which were exposed to the ravages of Indians. It was not from principle, according to the men of the frontiers, that they refused them, but from self-interest as they were not themselves exposed to these incursions. The Quakers had much the greatest influence in the Assembly and were supported there by the Dutch and Germans, who were as adverse to taxes as themselves. Burnaby was careful to note the long-standing quarrel between the people and the proprietary on the question of the taxation of the proprietors' lands.[1]

According to Burnaby the inhabitants of New York in their character very much resembled the Pennsylvanians, more than half of them being Dutch, and almost all traders. They were habitually frugal, industrious and parsimonious. Being however of different nations, different languages, and different religions, it was almost impossible to give them any precise or determinate character. The province was flourishing, in spite of being burdened with taxes and a large public debt. An extensive trade was carried on to many parts of the world, particularly to the West Indies, and New York was further enriched by being the central rendezvous for the British troops.

Burnaby gave a very low character to the Rhode Islanders, but he admitted that owing to illness he had not been in a position to see much of the colony. According to him the private people were cunning, deceitful and selfish; they lived almost entirely by unfair and illicit trading. Their magistrates were partial and corrupt, and he who had the greatest influence was generally found to have the

[1] Burnaby, I, 731–2.

fairest cause. Were the governor to interpose his authority or to refuse flags of truce he would at once lose his place.[1]

Burnaby was not likely to be prejudiced in favour of Massachusetts, but he recognised that arts and sciences had made a greater progress in Boston than in any other town in America. The influence of Harvard College had been great, and the arts were undeniably more advanced in Massachusetts Bay than in Pennsylvania or New York. The public buildings were of a higher order of architecture and there was a more general turn for painting, music and the *belles lettres*. Burnaby found the character of the inhabitants much improved in comparison with what it had been, but Puritanism and a spirit of persecution were not yet totally extinguished. The gentry of both sexes were hospitable and good-natured. There was an air of civility in their behaviour, though it was constrained by formality and preciseness.

Among the lower class of the people was found in an extreme degree that inquisitiveness which according to English travellers in the first half of the nineteenth century was characteristic of Americans generally. "I was told", Burnaby writes, "of a gentleman of Philadelphia who, in travelling through the provinces of New England, having met with many impertinences from this extraordinary turn of character, at length fell upon an expedient almost as extraordinary to get rid of them. He had observed, when he went into an ordinary, that every individual of the family had a question or two to propose to him relative to his history, and that till each was satisfied, and they had conferred and compared together their information, there was no possibility of procuring any refreshment. He therefore the moment he went into any of these places enquired for the master, the mistress, the sons, the daughters, the men servants and the maid servants and having assembled them all together he began in this manner: 'Worthy people, I am B.[enjamin] F.[ranklin] of Philadelphia, by trade a —— and a bachelor; I have some relations at Boston, to whom I am going to make a visit; my stay will be short, and I shall then return and follow my business, as a prudent man ought to do. This is all I know of myself and all I can possibly inform you of; I beg therefore that you will have pity upon me and my horse, and give us both some refreshment.'"[2]

Burnaby tells an amusing story to illustrate the persistency of the prejudice in favour of the observance of the Sabbath. A captain on one of His Majesty's ships of war returning from a cruise on a Sunday was welcomed at the waterside by his wife. The captain on landing kissed her. This, as there were several spectators present, gave great offence and was considered as an act of indecency and a flagrant

[1] These flags of truce enabled merchants to go to the French West India islands in order to exchange prisoners, the real scope and design of the voyage being to carry on a prohibited trade with the French.

[2] Burnaby, I, 747.

profanation of the Sabbath. Next day, therefore, he was summoned before the magistrates who, with many severe rebukes and pious exhortations, ordered him to be publicly whipped. The captain underwent his punishment like a man, but on the day of his final departure for England he invited the principal magistrates and select men to dine with him on board his ship. They accepted the invitation and had a most convivial entertainment. At the moment of setting sail the captain, after taking an affectionate farewell, accompanied them up on deck where the boatswain and crew were ready to receive them. He there thanked them afresh for the civilities they had shown him, of which he said he should have an eternal remembrance, and to which he wished it had been in his power to have made a more adequate return. One point of civility only remained to be adjusted between them which, as it was in his power, so he meant most fully to recompense to them. He then reminded them of what had passed, and, ordering the crew to pinion them, had them brought one by one to the gangway where the boatswain stripped off their shirts and with a cat-of-nine-tails laid on the back of each forty stripes save one. They were then amidst the shouts and acclamations of the crew shoved into their boats; and the captain immediately getting under weigh sailed for England.[1] This anecdote does not sound very trustworthy, but at least it illustrates contemporary opinion with regard to the relations between England and Massachusetts.

In his final summing up Burnaby traverses the conclusion already becoming popular, that empire was travelling westward, so that in time America would give law to the rest of the world. America was formed for happiness but not for empire. In a course of 1200 miles he had not seen a single object that solicited charity, but he had seen insuperable causes of weakness which would necessarily prevent it from being a powerful State. That he was proved to be wrong did not detract from the force of many of his arguments.

With the economic effects of the navigation laws we have here nothing to do; still less with their influence upon political developments; but, if the whole system was honeycombed with corruption, the moral effects of their constant evasion must have been disastrous. It was not merely that an illicit trade grew up when England was at war with Holland or France; by which means trading with the enemy developed and flourished. There was the further effect that buccaneering and piracy were winked at. A broad distinction must be drawn between privateering and piracy. Privateers were of assistance to the Royal Navy as late as Saunders's expedition against Quebec.[2] Buccaneering, however, naturally degenerated into downright piracy. These pirates and sea rovers, when prosecuted, generally escaped scot free through the partiality of juries. Fletcher, the governor of New York, and his council were in close communion with these gentry,

[1] Burnaby, I, 748–9.

[2] Kimball, II, 80.

the governor's excuse being that he wished to reclaim Tew, a notorious malefactor, from the vile habit of swearing.[1] When Fletcher's successor sought to put an end to the evil he found the task almost impossible. In 1704 a noted pirate was hanged in Boston who struck an answering note when he told the bystanders to beware how they brought money into New England, to be hanged for it. It would seem that at both Boston and New York a full third part of the trade was "directly against law";[2] and, considering that these laws were openly condemned by members of the governor's council, such a result was not surprising. In 1733 a newspaper, commending the many virtues of a deceased collector of the customs, wrote: "He with much humanity took pleasure in directing masters of vessels how they ought to avoid the breach of the Acts of Trade".[3] Rhode Island was especially an offender in this respect. Governor Hopkins virtually defended illicit trading as necessary to the colony.[4]

In conclusion the question must be faced, what part did the social and intellectual life of the old colonial Empire play in the development of a new national type? So far as social life was concerned, the answer is obvious, so that whoso runs may read. The inevitable tendency of a new country is in the direction of democracy; and even in the most English of the old colonies the winning of the Virginia West altered materially the character of that colony; whilst everywhere the movement towards a frontier that was continually reaching farther and farther west meant a new advance for democratic ideals. Moreover, the immigration of new European types involved further removal from English ideals. As we have seen, even in New England aristocratic influences of a sort were for a long time strong; but these had little in common with the aristocratic system which prevailed in England throughout the seventeenth and eighteenth centuries. Here, then, was the persistent cause of antagonism—a social system increasingly democratic confronted with one which still drew its inspiration from aristocratic sources.

Turning to the intellectual life of the old Empire we recognise that this found its main development in two directions, neither of which was in sympathy with tendencies prevailing at the time in the mother country. Compared with the splendid output of the British genius American literature counted for very little in the period in question. In two directions alone, it asserted itself. Concentration on theology at once narrowed and deepened the field of its activities, but this Calvinist Puritan theology was in its essence polemical and never tired of throwing the gage of battle to Arminianism as represented by the Church of England. Again, when the fires of theology began to burn less brightly, the lawyers, to whom the torch was handed

[1] *New York Col. Docs.* IV, 447.
[2] Weeden, p. 557.
[3] *Ibid.* IV, 776.
[4] Kimball, II, 373–7.

on, were defending for the most part a cause which was in direct opposition to the claims of British lawyers. Everywhere, then, we recognise that in the field of social and intellectual, no less than in that of political and economical life, the stars in their courses were moving in a direction hostile to the permanence of the British connection.

Although Puritanism played some part in the foundation of the Bermudas and the main part in the foundation of the abortive Providence Island plantation, religion had very little to do with the development of the West Indies. It was the wealth of these islands that attracted settlers. Politics played indeed some part in providing new settlers to Barbados; it became the resort of Royalists who could not endure the state of things in England, but even these were more inclined to interest themselves in resenting unfair taxation than in displaying enthusiasm for the restored monarchy. At first it seemed as though the ideal of a white community living in semi-tropical surroundings might be realised, since in 1645 there were said to be more than 11,000 proprietors. Twenty-two years later the number of proprietors had fallen to 745, whilst there were 82,023 negro slaves. In 1645 there were 18,300 men fit to bear arms, and in 1667 only 8300.[1] At first the tobacco and cotton planters had occupied small plots of from five to thirty acres, and had tilled them with the help of a few white servants; the population being almost exclusively white. But a complete revolution in the social life of the islands was made by the cultivation of sugar, involving, as it did, capitalist production and the use of slave labour. If ever the statement held good, *latifundia perdidere Italiam*, it was in the case of these West India islands.

For a time re-emigration could cope with the difficulty. Thousands left Barbados to settle in Antigua and the other Leeward Islands. At a later date Barbados found settlers for Trinidad and Surinam and afterwards Jamaica. Henceforth the interests of the islands became inextricably joined with those of the slave trade, the Royal African Company playing a leading part in their development. The huge influx of negroes had undoubtedly a demoralising effect on the character of the planters. Fear begets cruelty, and no doubt some of the measures taken to protect the whites against the blacks were the outcome of panic. White indentured servants were still introduced, but their numbers were very small compared with that of the negro slaves. The demand largely exceeded the supply. Jeaffreson wrote, when endeavouring from London to obtain servants: "I believe, if you will endeavour it, you may find Scotch and English that would willingly change their climate upon the afore-mentioned terms, and much more when they are directed to a certain place and person of whose character they may be well informed. How many broken traders, miserable debtors, penniless spendthrifts, discontented

[1] But see *ante* pp. 174, 267 and authorities there cited.

persons, travelling heads and scatter-brains would joyfully embrace such offers".[1]

In nine years out of the 300 promised malefactors only sixty-one had been shipped to the Leeward Islands. The conditions under which servants, no less than slaves, worked, depended mainly on the character of their masters. According to Jeaffreson "It is seldom seen that the ingenious or industrious men fail of raising their fortunes in any part of the Indies especially here, or where the land is not thoroughly settled. There are now several examples of it to my knowledge—men raised from little or nothing to vast estates. And I can assure you our slaves live as well now as the servants did formerly. The white servants are so respected that, if they will not be too refractory, they may live much better than thousands of the poor people in England during their very servitude, or at least as well".[2] Unfortunately the number of these continued to diminish and more and more the islands came under the system of large plantations worked by vast gangs of slaves with a few white supervisors.

As time went on, and capitalist production took more and more the place of the small freeholders, another evil assumed alarming dimensions. In Barbados as early as 1669 the bad results of the non-residence of many planters were dealt with. Several of the most eminent planters fulfilled no parochial duties, their representative owners having removed themselves to England; attorneys, agents and overseers were left to manage their estates, whereby the country had a far less choice of able men to act in the highest places of trust, the burden of inferior offices thus falling more heavily on the poorer classes. The sufferings entailed on servants and slaves by the behaviour of an untrustworthy agent during the absence of a good proprietor are vividly brought out in Jeaffreson's letters. "By a kind of magnetic force", it was said in 1689, "England draws to it all that is good in the Plantations, it is the centre to which all things tend. Nothing but England can we relish or fancy: our hearts are here wherever our bodies be.... They that are able breed up their children in England."[3] In addition to absentee planters, there was a scandal of absentee office-holders who farmed out their offices to others who extorted exorbitant fees from the colonists. It was the custom to send children to be educated in England, which often bred in young men indifference to their native colony. Codrington College, founded by the great governor of the Leeward Islands and completed in 1721, was a gallant attempt to cope with this evil, but scarcity of funds did not allow of its having a very wide influence.

Much information with regard to the social life of the West Indies is furnished by the despatches of governors to be found in the *Colonial*

[1] *A Young Squire of the Seventeenth Century* (ed. Jeaffreson, J. C.), I, 259.
[2] *Ibid.* I, 256–7.
[3] Quoted by Pitman, F. W., *The Development of the British West Indies*, pp. 31, 32.

Calendar. Thus we learn that about 1673 the population of Barbados amounted to 21,309 whites and 33,184 negroes, the number of negroes, however, being probably understated. At this time the number of acres possessed by each planter ranged from 200 to 1000, the average number being 300.[1] Sir Peter Colleton, who had become president of the council at the death of Lord Willoughby, noted that it was a troublesome task to keep eleven men in order who reckoned themselves equal in power and were not over well qualified for government. Colleton urged that a man who had an interest in the island would be more likely to be a good governor than one sent from England; the latter might think his employment a reward for past services and that his offence would be winked at should he break the Acts of Trade and Navigation.[2] According to the findings of the Grand Jury in 1673 there had been a daily increase in the number of Quakers in the colony —no doubt partly caused by the profanation of the Lord's Day, which was a crying sin in the island, and the amount of swearing and drunkenness.[3]

At the close of 1668 Jamaica was in a very prosperous condition and growing rich by privateering and the produce of the country. In 1674 Sir Thomas Lynch reported that the island had improved these last three years to a marvel, and the people were as contented as English could be.[4] According to a survey made in 1670, about 209,000 acres had been granted by patent to 717 families consisting of about 15,000 persons, and there were numerous sugar and indigo works. No island abounded in cocoa more than Jamaica, at the time a more profitable crop than indigo, cotton or sugar. There was great stock of cattle, so that all danger of want was past, and in a short time they hoped to furnish the ships homeward bound.[5]

A friend of Lord Arlington, the Secretary of State, one John Style, wrote to him gossiping letters of some interest. He complained of the great number of "tippling houses", that there were not more than ten men resident to every licensed house that sold strong liquors, and of the wickedness of those who called themselves Christians. "Were the most savage heathens here present they might learn cruelty and oppression, the worst of Sodom or the Jews that crucified our Saviour might behold themselves matched if not undone."[6] Although there was doubtless exaggeration in all this it seems clear that gambling was a crying evil in Jamaica and the council recommended measures for abating the mischief. A paper addressed to Lord Vaughan, when governor in 1674, recommended that some public manly sports instead of cards, dice and tables should be brought into fashion among the young gentry; that in time of peace they should be often exercised in arms. Penalties should be set upon swearing and upon intemperance

[1] *Cal. St. Pap. Col.* 1669–74, no. 1101.
[2] *Ibid.* no. 1104.
[3] *Ibid.* no. 1116.
[4] *Ibid.* no. 1389.
[5] *Ibid.* nos. 271, 375.
[6] *Ibid.* no. 138.

"so as at least it may be brought to the state it was formerly when those that were drunk were drunk in the night". Laws should be few and plain and the execution certain and severe; patent connivance at the breach of a known law rendered the law and lawgiver contemptible. If the law were good, it ought to be executed, if ill, repealed.[1]

A most thorny question connected with the colony was the attitude that should be taken with regard to privateering. Modyford had encouraged in every way privateering, which he considered absolutely necessary for the protection of the colony against Spain. According to him "the necessity of the affairs was such, that if it were to be done again and I assured of all the trouble which now threatens me and worse, it could not have been avoided without the manifest ruin of this island".[2] However, the policy of the Home Government had changed and the new governor, Sir Thomas Lynch, was enjoined to send Modyford home a prisoner. Subsequently there was again a change of policy and we find Henry Morgan, the arch-privateer and leader of the successful expedition against Panama, in high favour at court.[3] Indeed at a later date he became acting-Governor of Jamaica. The Spaniards had been reported as giving orders to governors in America to give commissions to privateers to act against English subjects, and if so retaliation was obviously necessary. Still "privateering was the sickness of Jamaica, for that and planting a country are absolutely inconsistent".[4] In 1676 the governor, Lord Vaughan, was able to report that Jamaica was still prospering. Trade and planting had considerably improved, and the children born in it lived and prospered, so that the "Croyolians" [i.e. creoles] and natives would in a few years make a great people. Jamaica was prospering at the expense of Barbados, as there had been a considerable emigration of the best quality from that island. It was reckoned that there were about 5000 fighting men in Jamaica.[5]

A terrible hurricane in Barbados in 1675 illustrated a peril to which these islands were exposed. "Never was seen such prodigious ruin in three hours"; and another menace was the fear of a rising of the negroes. The governor, Sir Jonathan Atkins, had been forced to execute thirty-five of them, which he believed had set a period to that trouble.[6] In Jamaica rebellions of negroes were a source of still greater anxiety and danger. It proved a difficult task to keep them in order.[7] An amazing story of the apathy and neglect of the home authorities was told of the Leeward Islands by Sir William Stapleton, the ablest and most honest of English seventeenth-century governors, when war with France was threatened in 1677–8. Reinforcements for the two companies of regular troops "were sent without

[1] *Cal. St. Pap. Col.* 1669–74, no. 1425.
[2] *Ibid.* no. 578.
[3] *Ibid.* no. 1389.
[4] Sir Thomas Lynch, *ibid.* no. 777.
[5] *Ibid.* 1675–76, nos. 673, 794, 799.
[6] *Ibid.* no. 690.
[7] *Ibid.* no. 793.

arms, ammunition or money to subsist withal, not so much as a sword nor the ammunition loaf to a place where is no magazine", the French and Dutch being spectators of their naked condition. On the other hand there were ten companies of old French soldiers well paid and clothed in St Christopher.[1] Stapleton's troops were unpaid; the resources which should have been available for him were diverted by the King, and he himself was the King's creditor for many years of arrears of pay,[2] yet he never lost heart, presenting always a splendid type of quiet resolution, resource and devotion. As time went on, even Stapleton became worn out by the situation. "I am out of purse", he wrote, "for shrouds for the dead, and cure of the wounded, for minding their arms and giving them credit in merchants' store houses."[3] When he had accomplished seventeen years of hard work he quitted his post on leave of absence, driven to England by the home sickness that heralded the approach of death.

Considering the behaviour of the English Government it is not astonishing to find the suspicions held by the colonists. Thus the governor, Sir Jonathan Atkins, wrote from Barbados: "When the French were cruising in these parts, a letter written me from England gave the people alarm that the island was to be sold to the French; and because I spoke French, I was put down as frenchified and the fittest man to deliver it up. It is easy to deceive these people, but very hard to rectify it".[4]

Statements made by these governors must, however, be sometimes taken with a grain of salt. This Sir Jonathan Atkins had to be recalled for misbehaviour, though so far as his disgrace was due to his championing the cause of the colonists against the Acts of Trade he may not have been undeserving of sympathy. His successor, Sir R. Dutton, after starting under apparently favourable auspices, proved himself absolutely dishonest and was summarily dismissed. In Bermuda disputes between the Chartered Company which was about to be abolished led to a kind of civil war. The cry of "No Popery" was raised by the Nonconformist ministers, the governor giving out that people would be forced to go to church by drum and fiddle.[5] When the first rumour of the fall of the Company reached the island, the authority of its governor was at once disclaimed and he himself attacked by a mob headed by one of his own captains of militia. The captain drew his sword on him, the captain's companions tripped up his heels and the rest of the mob stamped on him leaving his leg in a very sad condition.[6]

Meanwhile in Jamaica a more orderly constitutional struggle ended in the triumph of the colonists, the attempt to apply Poynings's Act to the island proving a failure. The return of Sir Thomas Lynch as

[1] *Cal. St. Pap. Col.* 1677–80, no. 582.
[2] *Ibid.* no. 1557.
[3] *Ibid.* 1681–5, no. 860.
[4] *Ibid.* 1677–80, no. 1334.
[5] *Ibid.* 1681–5, nos. 1075, 1097.
[6] *Ibid.* 1681–5, no. 1899.

again governor proved very successful, though a riot between the King's sailors and the townsfolk for a time threatened trouble. The governor's wise and conciliatory administration had changed the old suspicious feeling against the Crown into hearty and healthy loyalty. Sir Henry Morgan had by this time become wholly disreputable, and was constantly drunk, abusing the Government and cursing extravagantly. His dismissal was therefore a measure of necessity.[1] Space forbids to pursue the history of the West Indies from the statements in the *Calendars* but again and again in their pages the same troubles repeat themselves: the dishonesty and inefficiency of governors, the quarrelsome temper of the people, and dread of negro risings and the cruelty shown in their suppression. Over Jamaica especially the storm clouds caused by privateering bulked ominous.

Considerable difference of opinion existed with regard to the character of the population. Bryan Edwards, the patriotic historian of the West Indies, speaks warmly on behalf of his compatriots, but an English traveller wrote at the beginning of the nineteenth century: "Debility pervades all ranks....Barbados compared with the rest of the West Indies may be esteemed a very healthy island....But from the meagre and sallow appearance of the native yeomanry and citizens, their sunken eyes, relaxed countenances, and languid motions, I felt always on beholding them that the climate was irreconcileable with the constitution of their race. I am afraid also from the mean and disingenuous behaviour of some of the inferior white inhabitants of the town that the climate and perhaps their association with the blacks, have not a little relaxed in them the strength and integrity of the British moral character".[2] The extraordinary behaviour of many of the English governors may have been in great measure due to the influence of a tropical climate, coupled with a total neglect of the laws of health in the matter of food and drink, madeira along with brandy being the favourite beverage.

But great as was the danger from absenteeism it proved impossible to remedy it. These absentees who lived in London were men of great wealth, social position and political power. They held meetings at which they secretly settled the affairs of the islands. Adam Smith affirmed that "our tobacco colonies send us home no such wealthy planters as we see frequently arrive from our sugar islands".[3] McKinnen was surprised at the absence of resident planters. In one of the northern and richest districts it was said that of eighty proprietors not three were to be found at this time on the spot, the wealth of the soil being transported and consumed in remote countries.[4]

Miss Schaw, who wrote with enthusiasm about Antigua, was quick to recognise this evil. Children sent at an early age to England

[1] *Cal. St. Pap. Col.* 1677–80, no. 1317.
[2] McKinnen, *A tour through the British West Indies in the years* 1802, 1803, 1804.
[3] *Wealth of Nations*, bk I, chap. xi, pt I.
[4] McKinnen, p. 108.

formed their sentiments there, and they left it just when they were at an age to enjoy it most and returned to their friends and country as banished exiles, nor could any future connection cure them of the longing they had to return to Britain. Antigua, however, suffered less from this evil than did the other islands, St Christopher being almost abandoned to overseers and managers.[1] Miss Schaw gives a charming description of the relations between masters and men at their best. Colonel Martin, "the loved and revered father of Antigua", lived on his estates "which are cultivated to the height by a large troop of healthy negroes, who cheerfully perform the labour imposed on them by a kind and beneficent master, not a harsh and unreasonable tyrant. Well fed, well supported, they appear the subjects of a good prince, not the slaves of a planter. The effect of this kindness is a daily increase of riches by the slaves born to him on his own plantation. He told me he had not bought in a slave for upwards of twenty years".[2] Still, though Miss Schaw's account of the West Indian English is generally favourable, she has to admit the bad results of the intercourse between the whites and the native women; and the crack of the whip reminded one that relations between the races were not always as idyllic as those on Colonel Martin's estate. Miss Schaw laid the flattering unction to her soul that the negroes did not feel seriously their physical punishment.

In striking contrast is the gloomy picture presented by Lady Nugent, the wife of the Lieutenant-Governor of Jamaica. Although Lady Nugent did not come to Jamaica before 1801 there had been no change in the condition of the island since the last half of the previous century. It is true that she thought that the ill-treatment of the slaves had been greatly exaggerated and that generally speaking the slaves were extremely well used. Still the law of the land seemed shockingly severe. Three magistrates might condemn a slave to death. Where two slaves, one an old offender, the other a boy of sixteen, had robbed a man of his watch, etc., the old man who arranged the theft and received the stolen goods was condemned to hard labour, and the boy to be hanged. The governor made every exertion to save the life of the boy, but it seemed that it could not be done without exercising his prerogative very far and giving offence and alarm to the white population.[3] Necessity for the slave trade was in large measure due to the example of licentiousness set by the whites who, in all classes, married or single, lived immoral lives with their female slaves.[4] It was melancholy to see the disregard of both religion and morality throughout the whole island. Everyone seemed solicitous to make money, and no one seemed to regard the mode of acquiring it. It was extraordinary to witness the immediate effect that the

[1] Andrews, E. W. and C. M., *Journal of a Lady of Quality*, p. 92. [2] *Ibid.* pp. 103–4.
[3] *Lady Nugent's Journal*, 1801–15 (ed. Cundall, F.), p. 72.
[4] *Ibid.* pp. 117, 118.

climate and habit of living had upon the minds and manners of Europeans, particularly upon the lower orders. In the upper ranks they became indolent and inactive, regardless of everything but eating, drinking and indulging themselves, and were almost entirely under the dominion of their mulatto favourites. In the lower orders they were the same, with the addition of conceit and tyranny, considering the negroes as creatures formed merely to administer to their ease, and to be subject to their caprice. The white servants did not regard them as human beings or in the possession of souls.[1] Lady Nugent was "not astonished at the general ill-health of the men; for they really eat like cormorants and drink like porpoises".[2] The wealth of the richest proprietors was enormous; one, Mr Taylor, the richest man in the island, piqued himself upon making his nephew the richest commoner in England.[3] A Mr Mitchell boasted of paying £30,000 per annum for duties to Government.

An interesting account of Barbados is given by Dr G. Pinckard, who went out with the expedition to the West Indies in 1805. Although it had had to yield to other settlements in point of produce and increase of population, still its trade and resources continued to be important, its population great, and the picturesque scenery of its surface was perhaps unrivalled. Its temperature was more equable and its air healthier than those of the other islands. Every part came under the influence of the trade-wind which made it the most healthy of the islands, being treated by the other colonies as a health resort. Situated to windward of the other islands it received the uninterrupted breeze brought to it in all its purity immediately from a wide extent of ocean unimpregnated by the poisonous exhalations of stagnant waters or polluted soil. Little oppression was felt from the heat, and in the harbour and placed in the shade the thermometer was seldom higher than 84 and at no time exceeded 86 degrees. Yet in spite of all these advantages Barbados had its own peculiar trouble in the shape of a disease, a form of elephantiasis.[4] Dr Pinckard especially noted that Barbados contained a numerous class of inhabitants between the great planters and the people of colour; of these many were descended from the original settlers and through several generations had been born and had constantly lived upon the island. They regarded it as their native and only abode, and did not, like their richer neighbours, look to England as another and a better home.[5] The inhabitants prided themselves upon the island's antiquity and assumed a consequence and almost a claim to hereditary rank and privilege from priority of establishment. This sense of distinction was strongly manifested by the common expression "neither Charib nor Creole but true Barbadian". This boast was shared even by the slaves, who

[1] *Lady Nugent's Journal*, pp. 131–2.
[2] *Ibid.* p. 108.
[3] *Ibid.* p. 88.
[4] *Notes on the West Indies*, by Pinckard, G., M.D., II, 79–80.
[5] *Ibid.* II, 75 seqq.

proudly arrogated a superiority above the negroes of the other islands.

The poor whites lived in cottages remote from the great class of merchants and planters, obtaining a scanty livelihood by cultivating a small patch of earth and breeding up poultry or what they termed stock for the markets. By misfortune or misconduct they were reduced to a state far removed from independence, often indeed but little superior to the condition of free negroes. Yet even these believed that in the scale of creation there could be no other country, kingdom or empire equal to their transcendent island, their own Barbados; whence the adage: "What would poor old England do, were Barbados to forsake her?"[1] Dr Pinckard also emphasised that the people of Barbados were much too addicted to the pleasures of the table. "In eating they might put to the blush even the turtle countenances of our London fat citizens."[2] He further noted the inefficiency of slave labour. A gang of negroes employed in making a road to the governor's house afforded a striking example of the indolence due to climate and slavery. A mulatto overseer attended them who had every appearance of being as much a stranger to industry as the negroes, who seemed not to be apprehensive of the driver or his whip except when he made it fall across them in stripes. "In proportion to the work done by English labourers and the price usually paid for it the labour of these slaves could not be calculated at so much as twopence per day, for almost any two men in England would, with the greatest ease, do as much work in a given time as was performed by a dozen of these indolent meagre-looking beings."[3] Dr Pinckard saw, on one occasion, four women, almost naked, working in a canefield; a stout robust-looking man, apparently white, was following them holding a whip at their backs. Asked why he did not join in the task, the reply was, that it was not his business, that he had only to keep the women at work and make them feel the weight of the whip if they grew idle or relaxed from their labour.

Equally revolting was the Barbadian law under which, if an infant was born in slavery, a mother, should she obtain her own freedom, could not claim her child, but had to leave it, still the disposable property of her mistress, equally liable to be sold as any other piece of furniture in the house. "Thus", our author concludes, "are the natural ties of our species torn asunder, and the dearest attachments and purest affections of the heart cruelly broken down! Babes are separated from their parents and mothers robbed of their children by this unnatural appropriation of human substance!"[4]

A noteworthy event was a visit to Codrington College. The college was richly endowed with the generous intention of establishing a great and useful school for the education of the youth of Barbados,

[1] Pinckard, II, 132–3.
[2] *Ibid.* II, 97.
[3] *Ibid.* I, 256–7.
[4] *Ibid.* I, 247–8.

the revenues of two large estates being appropriated to the institution. But Codrington's intention had not been duly regarded. The profits had been squandered and the funds disgracefully neglected or abused. The splendid edifice planned had not been finished, and the part that was erected had been brought into early decay. Only one side of the intended quadrangle had yet been built, and that, to the disgrace of those concerned, had long been left to fall into ruin. Something, however, had been done by the present manager to recover the estates and to direct the funds into their proper channel. The part of the building which had been erected was now undergoing a thorough repair in the hope of saving it from utter and premature destruction. Twelve boys only had as yet been admitted on the foundation, who, instead of occupying any part of the college building, were accommodated in the house of the master.[1]

A very different aspect of West Indian life is to be found in the rollicking pages of *Tom Cringle's Log*, but its author had lived fifteen years in the tropics, and, in spite of exaggerations, the book speaks with authority. In Kingston, he affirmed, the society was as good as could be met with in any provincial town anywhere; "and there prevailed a warmth of heart and a kindliness both in the males and females of those families to which I had the good fortune to be introduced, that I never experienced *out* of Jamaica".[2] The island was at the time in the heyday of its prosperity and Kingston harbour was full of shipping. "The result of this princely traffic, more magnificent than that of Tyre, was a stream of gold and silver flowing into the Bank of England, to the extent of £3,000,000 sterling annually, in return for British manufactures; thus supplying the sinews of war to the Government at home, and, besides the advantage of so large a mart, employing an immense amount of British tonnage and many thousand seamen, and in numberless ways opening up new outlets to British enterprise and capital."[3]

Considering their special circumstances it was natural that the West Indies did not produce much in the way of an indigenous literature; but Long's *History of Jamaica* and Bryan Edwards's *History of the West Indies* are vigorous and able statements of the history from the West Indian standpoint.

[1] Pinckard, I, 356–9.
[2] Scott, M., *Tom Cringle's Log* (Everyman's Library edn), p. 125.
[3] *Ibid.* p. 126.

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HIGHAM, C. S. S. *Colonial Entry Books.* Helps for the Students of History Series, No. 45, S.P.C.K. London, 1921.

JAMESON, J. F. "Guide to the Items relating to American History in the Reports of the English Historical Manuscripts Commission." *Report, American Historical Association*, 1898, pp. 611–700. Washington, 1899.
LARNED, J. N. *The Literature of American History*.... Boston, 1902.
MALCOLM, H. *List of Documents relating to the Bahama Islands in the British Museum and the Public Record Office*. Nassau, 1910.
NEWTON, A. P. (Editor). *List of Selected Books relating to the History of the British Empire Overseas*.... Historical Association Publicns. No. 46. Rev. ed. London, 1929.
STEVENS, B. F. "Catalogue Index of MSS in the Archives of England, France, Holland, and Spain relating to America, 1763–83." 180 vols. In the Library of Congress.
THOMAS, N. W. *Bibliography of Anthropology and Folk Lore*. 1908.
Has a useful section on West Africa.
WEEKS, S. B. *Libraries and Literature of N. Carolina in the XVIIIth Century*. Washington, 1895.
—— *Historical Review of the Colonial and State Records of N. Carolina*. Raleigh, N.C. 1914.
—— *Index to the Colonial and State Records of North Carolina*. Goldsboro', 1909–14.

II. DOCUMENTARY MATERIAL (PRINTED AND UNPRINTED)

I. OFFICIAL PAPERS PRESERVED IN BRITISH REPOSITORIES

(1) PARLIAMENTARY

(*a*) Acts:

The Statutes of the Realm...(1101–1713). 11 vols. London, 1810–28.
The Statutes at Large. Collected by D. Pickering. (1225–1761) 24 vols. Cambridge, 1762–9. Continued from 1761 to 1807. Cambridge, 1763–1807.
FIRTH, C. H. and RAIT, R. S. *Acts and Ordinances of the Interregnum*. 3 vols. London, 1911.

(*b*) Debates:

ALMON, J. *Parliamentary Register, a History of the Proceedings and Debates of the House of Commons*, 1774–82. 25 vols. London, 1775 sqq.
COBBETT, W. and WRIGHT, J. *Parliamentary History of England*, 1066–1803. London, 1806 sqq.

(*c*) *Journals of the House of Lords*, and *Journals of the House of Commons*:

NOTE. All entries relating to colonial affairs for North America and the West Indies from the *Journals* and other sources are printed in STOCK, L. F., *Proceedings and Debates of the British Parliaments respecting North America*. Washington, 1924. In progress. Vol. I covers the years 1542–1688.

(*d*) Parliamentary Papers and Miscellaneous MSS:

The great series of *Accounts and Papers* and *Reports of Commissioners*, printed by order of one of the Houses of Parliament and required to be laid before them, is of the greatest value for colonial matters, but mainly after 1783.

Among those of value for the period covered by this volume are the following reports upon West African affairs:

Reports of Commissioners, 1816, vol. VII. 2; 1817, vol. VI.
Reports of Committees appointed to investigate the affairs of the Company of Merchants trading to Africa.

Reports of Commissioners, 1830, vol. X; 1842, vol. XI.
Reports upon Sierra Leone and the British Possessions in Africa, respectively.

Manuscripts of the House of Lords, 1693–1710. New Series. Vols. I–VIII. London, 1900–23. In progress.

This series is in continuation of that issued under the auspices of the Royal Commission on Historical Manuscripts. (*V. infra*, p. 837.)

(2) Privy Council

Acts of the Privy Council, 1542–1614. Ed. by J. R. Dasent. 32 vols. London, 1890–1907.

—— 1613–1616. Ed. by E. G. Atkinson. 2 vols. London, 1916, 1925. In progress.

Acts of the Privy Council Colonial, 1613–1783. Ed. by W. L. Grant and J. Munro. 6 vols. London, 1908–12.

These series of printed calendars provide the texts of entries relating to colonial affairs in the Privy Council Register. The many volumes of the original Register are in the Public Record Office. Vol. VI of the *Acts of the Privy Council Colonial* gives a selection from the bundles of miscellaneous Privy Council Papers, which are also in the Public Record Office.

The Privy Council Register contains records of the meetings of committees of the Council as well as those of the Council itself. Some committees, however, preserved separate records, e.g. the Committee of the Privy Council for Trade and Plantations of 1675–96. (*V. infra*, p. 828.)

The Plantation Register.

This is a series of volumes containing the texts of documents relating to the colonies which came before the Privy Council. They are still in the Privy Council Office, and have not been calendared.

British Royal Proclamations relating to America, 1603–1783. Ed. by C. S. Brigham. Published as vol. XII of the *Trans. of American Antiquarian Soc.* Worcester, Mass. 1911.

(3) The Exchequer

The records of the Exchequer include series relating to the Customs, and also the Port Books (from 1565), which give hints on early commerce and exploration. They include also Privy Seal and other Warrants which sometimes indicate the issue of patents and grants, or appointments which have not been inscribed on Patent Rolls.

(4) The Chancery

Patent Rolls. These are important for grants to Chartered Companies and Proprietors, Commissions to Governors, etc.

The records of the Courts of Chancery, Star Chamber and Requests are valuable for commerce and early colonial transactions.

(5) The Admiralty

Accountant-General's Department:

Log Books, etc.; Admirals' Journals (from 1702) and Captains' Logs (from 1669).

Navy Board:

In-Letters (from 1660); Out-Letters (from 1671).

Secretary's Department:

In-Letters (from 1673), including Reports of Courts Martial (Admiral Byng, Admiralty I/5296. Admiral Keppel, Admiralty I/5312. Admiral Palliser, Admiralty I/5313).

Out-Letters (from 1656).

Board's Minutes (from 1657).

High Court of Admiralty:

The records of the High Court of Admiralty are important, especially in the sixteenth and seventeenth centuries, for commerce, privateering and some colonial transactions.

Some papers from the Admiralty records and records of the High Court of Admiralty are printed in:

MARSDEN, R. G. (Editor). *Documents relating to the Law and Custom of the Sea.* 2 vols. N.R.S. 1915–16.

PERRIN, W. G. (Editor). *The Naval Miscellany.* Vol. III. N.R.S. 1928.

This volume includes the Admiralty Instructions to Captain Cook for his three voyages.

(6) THE SECRETARIES OF STATE

State Papers of Henry VIII. General Series. 1509–1547.

These papers, of which there are 230 volumes, are in the Public Record Office. They are valuable for commercial and maritime affairs. They are summarised in *Calendar of Letters and Papers (Foreign and Domestic) of the Reign of Henry VIII.* 1509–1547. 21 vols. in 33 pts. London, 1862–1910.

State Papers Domestic, 1547–1782.

In the Public Record Office. They are summarised in:

(*a*) *Calendar of State Papers, Domestic,* 1547–1704. 78 vols. London, 1865–1925. In progress.

The Calendar varies greatly in value, and there are a few gaps within its period not yet covered. For the years 1547–80 it is little more than a catalogue.

(*b*) *Calendar of Home Office Papers of the Reign of George III.* 1760–1775. 4 vols. London, 1878–99.

Extracts from State Papers, Domestic and other Sources, are printed in:

Papers relating to the Navy during the Spanish War, 1585–7. Ed. by Sir J. S. Corbett. N.R.S. 1898.

Fighting Instructions, 1530–1816. Ed. by Sir J. S. Corbett. N.R.S. 1905.

State Papers relating to the Defeat of the Spanish Armada. Ed. by Sir J. K. Laughton. 2 vols. N.R.S. 1894.

State Papers Foreign, 1547–1782.

In the Public Record Office. They are summarised in *Calendar of State Papers, Foreign.* 1547–1588. 23 vols. London, 1861–1927. In progress.

The earlier volumes of the Calendar are inadequate.

NOTE. Treaties relating to Colonial affairs are printed in:

DAVENPORT, F. G. *European Treaties bearing on the History of the United States and its Dependencies to* 1648. Washington, 1917.

DAWS, J. C. B. *Treaties and Conventions concluded between the United States and other Powers since July 4th,* 1776. Washington, 1889.

DUMONT, J. *Corps universel diplomatique....* 8 vols. Amsterdam, La Haye, 1726–31.

Colonial Office Papers, 1574–1878.

This great collection, in the Public Record Office, is the most important British official source for the study of colonial history, since it includes the records both of the Secretaries of State and the Board of Trade and Plantations. (*V. infra,* p. 828.)

Among the many series into which the papers are divided, the following may be mentioned:

(*a*) The papers of the period 1574–1697 are grouped in one series in strict chronological order, without distinction of colony. (C.O. 1.)

(*b*) The papers relating to the Thirteen Colonies from 1697 are collected in one series, but grouped together according to the colony to which they belong. (C.O. 5.)

(*c*) For each colony or group of colonies, other than these, there exist a number of series, each starting in 1697 or later.

The main classes of documents are: "Original Correspondence", i.e. in-letters, addressed either to the Secretary of State or to the Board of

Trade; "Entry Books" of out-letters, instructions, etc. Enclosures in the in-letters, i.e. "Acts" of the Colonial Legislatures, "Sessional Papers", "Government Gazettes", "Shipping Returns".

(*d*) In addition, the Colonial Office Papers include some general series: "Colonies General", "Board of Trade, Commercial", and the "Minutes of the Board of Trade". (*V. infra*, § 7.)

The Colonial Office Papers are summarised in the following:

(*a*) *Calendar of State Papers, Colonial Series, America and West Indies*, 1574–1714. 21 vols. London, 1862–1926.

The value of these volumes varies considerably, the later issues being generally the better. The first volume 1574–1660 is inadequate. The dates covered by each volume are: I, 1574–1660; II, 1661–68; III, 1669–74; IV, 1675–76, and *Addenda* for 1574–1674 (these volumes were edited by W. N. Sainsbury); V, 1677–80 (ed. by W. N. Sainsbury and Hon. Sir J. W. Fortescue); VI, 1681–85; VII, 1685–88; VIII, 1689–92; IX, 1693–96; X, 1696–97; XI, 1697–98 (ed. by Hon. Sir J. W. Fortescue); XII, 1699 and *Addenda* for 1621–98; XIII, 1700; XIV, 1701; XV, 1702–3; XVI, 1704–5; XVII, 1706–8; XVIII, 1708–9; XIX, 1710–11; XX, 1711–12; XXI, 1712–14 (ed. by C. Headlam).

(*b*) *Calendar of State Papers, Colonial, East Indies, China and Japan*, 1513–1634. Ed. by W. N. Sainsbury. London, 1862–92. 5 vols.

This series includes documents in the India Office and the British Museum. It is being continued in *A Calendar of the Court Minutes of the East India Company*, 1635–39. Ed. by Miss E. B. Sainsbury. Oxford, 1907–25. In progress. The series of *Court Minutes* is being issued by the India Office. The latest volume published deals with the years 1664–67.

Among other printed collections from Colonial papers in the Public Record Office mention may be made of:

Records of the Council for New England. Ed. by C. Deane. Cambridge, Mass. 1867.

(7) The Boards of Trade and Plantations

Council for Foreign Plantations, 1660–4.

Minutes and correspondence are in the Colonial Office papers at the Public Record Office, and are calendared in the *Calendar of State Papers, Colonial Series*. (*V. supra*, § 6.)

The minutes of the contemporary Committee of the Privy Council for Trade and Plantations are also in the Public Record Office, but are included in the Privy Council Register.

Councils for Foreign Plantations, 1670–2, and 1672–4.

Minutes are in the Library of Congress, Washington. The heads of proceedings have been printed in Andrews, C. M., *British Committees, Councils, and Commissions for Trade and Plantations*, 1622–1675. Appendix, pp. 133–51. *Cf.* Bieber, R., "British Plantation Councils of 1670–1672". *E.H.R.* vol. XL, January 1925.

Committee of the Privy Council for Trade and Plantations, 1675–96.

Minutes and correspondence are in the Colonial Office papers at the Public Record Office, included in the same series as those of the succeeding council, and are calendared in the *Calendar of State Papers, Colonial Series*.

The Lords Commissioners for Trade and Plantations, 1696–1782.

Journal and correspondence in the Public Record Office.

The records of the years 1696–1704 are calendared in the *Calendar of State Papers, Colonial Series*. Starting with the year 1704, the Journal is printed in full in *Journal of the Commissioners for Trade and Plantations*. London, 1920. In progress. Five volumes have been issued, covering the years to 1728.

(8) The Treasury

(*a*) General Treasury Records:

The following series are of special value for colonial affairs:

T. 1. Treasury Board Papers.
Mainly in-letters. Vols. 512–9 contain matter of value for the War of American Independence.

T. 29. Minutes.
Vols. 44–53 are valuable for the War of American Independence.

T. 38. Accounts, Departmental.
Vols. 253–69 contain matter relating to the West Indies.

T. 64. Miscellaneous, Various.
Vols. 88–90 contain the Journal of William Blathwayt, surveyor and auditor-general of American revenues.
Vols. 101–7, 114, 117–20 are of value for the War of American Independence.

The records of the Treasury are calendared in:

Calendar of Treasury Books, 1660–1689. 8 vols. in 15 pts. Ed. by W. A. Shaw. London, 1904–23.

Calendar of Treasury Papers, 1557–1728. 6 vols. Ed. by H. Redington. London, 1868–89.

Calendar of Treasury Books and Papers, 1729–1745. 5 vols. Ed. by W. A. Shaw. London, 1897–1903.

(*b*) African Papers:

Among the records of the Treasury are to be found the papers of the two African companies which held the English trading forts on that coast from 1672 to 1821, the Royal African Company and the Company of Merchants trading to Africa. These papers passed into the custody of the Treasury in 1821, and, though they appear as Treasury papers now, they are simply the records of the two companies, consisting of the usual classes of company papers, minutes of committees and councils, letters (in and out), account entry books and registers of various kinds, and miscellanea. They are listed in the Record Office as T. 70.

(9) War Office

W.O. I. In-Letters.
These include, for the period of the War of Independence, letters to the Secretary at War from officers in America, the West Indies, Gibraltar and Minorca; the correspondence of the Commander-in-Chief with the Secretary at War; the letters from the Secretaries of State and Treasury.

W.O. III. Out-Letters.
This series consists in out-letters to the Commander-in-Chief.

W.O. IV. Out-Letters.
These include a collection of "Letters to the Colonies and Places Abroad, 1730–1853", covering America, the West Indies, Minorca, Gibraltar, and the East Indies.

W.O. XVII. Miscellanea: Monthly Returns.
This series shows, from the year 1759, the distribution of troops in the various colonies, etc.

W.O. XXIV. Registers: Establishments.
Royal sign manual warrants authorising establishments, including those in the colonies.

W.O. XXVIII. Miscellanea: Head Quarter Records.
These include nine bundles of letters, etc., for field officers and others in America for the years 1775–85.

II. OFFICIAL PAPERS PRESERVED IN AMERICAN AND COLONIAL REPOSITORIES

(By Professor C. M. Andrews)

The official records of the thirteen continental colonies are to be found mainly in the various State Archives. Of particular importance are those of New Hampshire (Concord), Massachusetts (Boston), Connecticut (Hartford), and South Carolina (Columbia).

Among the official papers, of which the originals belong to American and colonial archives, many are of interest mainly for the history of the individual colony. Certain classes, therefore, may be instanced as of special value to the study of general colonial development. These are:

(1) Acts of Colonial Legislatures.
(2) Proceedings of Colonial Legislatures.
(3) Official Correspondence of Governors and other Officials.

Many printed collections of these documents exist for the North American Colonies, and some for the British West Indies. It is to be noted, however, that in many cases the collections are formed partly of documents in the colonial archives, and partly from originals or duplicates in the Public Record Office. Duplicates of Acts and Proceedings of Colonial Legislatures were required to be sent to England by an instruction of Charles II in 1680, and the English series are necessary supplements to those in the colonies, which are in many cases incomplete. The correspondence is also divided between English and colonial archives. The practice of keeping copies of out-letters was not consistently followed either in England or the colonies, and it is therefore necessary to use both the English and colonial series to obtain the fullest material available.

The most important of the printed collections are shown below:

(1) Acts of Colonial Legislatures

Acts passed in the Island of Barbadoes, 1643–1762. *Carefully revised by Richard Hall and after his death continued by his son, Richard Hall, Jr; to which is added an index and abridgement and a list of all the laws passed since the settlement of the island, which had become obsolete, expired, or had had their effect.* London, 1764.

A very rare volume. There are copies in the Public Record Office, the Library of the West India Committee, and the Library of Yale University.

Acts of Assembly made and enacted in the Bermuda or Summer Islands, 1690–1713/4. London, 1719.

Idem, continued to 1736. London, 1737.

Acts of Assembly passed in the Island of Jamaica, 1681–1737. London, 1738.

Laws of Jamaica. 5 vols. St Jago de la Vega, 1792.

Acts of Assembly passed in the Charibee Leeward Islands, 1690–1730. London, 1734.

Idem. Montserrat, 1668–1740. London, 1740.

Idem. Nevis, 1664–1739. London, 1740.

Idem. St Christopher, 1711–1735. London, 1739.

All printed West Indian laws of this period, that bear the London imprint, were issued in London under orders from the Board of Trade.

Laws of the Island of St Christopher, 1711–1831. St Christopher, 1832.

Laws of New Hampshire. Vols. I–III. *The Province Period.* Ed. by A. S. Batchellor. Manchester, New Hampshire, 1904–15.

These volumes contain all the commissions, general instructions, additional instructions, and many of the trade instructions issued to the governors of the province.

The Acts and Resolves, Public and Private, of the Province of Massachusetts Bay. 19 vols. Ed. by A. C. Goodell, A. S. Wheeler and W. C. Williamson. Boston, 1869–1922.

This work is the most important that has been issued on any of the colonial laws. Its elaborate notes constitute almost the equivalent of a legislative history of the province.

Acts and Laws of His Majesty's Colony of Rhode Island and Providence Plantations in New England. Newport, 1745.

Rhode Island has issued no modern edition of her colonial laws.

Acts and Laws of His Majesty's Colony of Connecticut in New England. New London, 1769–79.

Regarding the various editions of the Connecticut statutes, see A. C. Bates, *Connecticut Statute Laws, A Bibliographical List of Editions.* Acorn Club Publicns. Hartford, Conn. 1900.

The Colonial Laws of New York from the Year 1664 *to the Revolution.* 5 vols. Albany, 1894.

A modern annotated edition, but less satisfactory than that for the Massachusetts Laws.

Acts of the General Assembly of the Province of New Jersey. Burlington, 1776. Reprinted. Somerville, 1881.

Statutes at Large of Pennsylvania, 1700–1790. 12 [11] vols. Ed. by J. T. Mitchell and S. Flanders. Harrisburg, 1896–1908.

A modern annotated edition. The first volume, covering the period from 1682 to 1700, has never been issued.

The Laws of Maryland. Revised and collected under the Authority of the Legislature by W. Kilty. 2 vols. Annapolis, 1799–1800.

Idem. Ed. by V. Maxey. 3 vols. Baltimore, 1811.

The Statutes at Large, Being a Collection of all Laws of Virginia, from the First Session of The Legislature in the Year 1619. 11 vols. Ed. by W. W. Hening. New York and Richmond, 1809–23.

The second edition is the most complete.

State Records of North Carolina. Ed. by W. S. Saunders. Winston, 1895–1906.

Vols. XXIII–XXV contain the text of the laws of the province.

The Statutes at Large of South Carolina. 10 vols. Ed. by T. Cooper and D. J. McCord. Columbia, 1836–41.

Vols. II–IV contain the text of the laws of the provincial period.

The Colonial Records of the State of Georgia. Ed. by A. D. Chandler. Atlanta, 1904–8.

Vols. XVIII–XIX contain the text of the laws for the provincial period.

(2) Proceedings of Colonial Legislatures

Votes of the Honourable House of Assembly of the Bahama Islands. Vol. I, 1729–53; vol. II, 1760–65; vol. III, 1766–70; vol. IV, 1770–76. Nassau, 1910–11.

Ancient Journals of the House of Assembly of Bermuda, from 1691 *to* 1785. 3 vols. Bermuda, 1890. Supplementary volume, London, 1906.

Journals of the House of Assembly of Jamaica...(1663–1826). 14 vols. Jamaica, 1811–29.

This is rare. A copy exists in the Public Record Office and another in the British Museum.

Records of the Governor and Company of Massachusetts Bay in New England, 1628–1686. 5 vols. Ed. by N. B. Shurtleff. Boston, 1853–54.

This series contains the records of the legislative body of Massachusetts.

Journals of the House of Representatives of Massachusetts, 1715–1727. 7 vols. Ed. by W. C. Ford. Massachusetts Historical Society. Boston, 1915–25.

This work is in progress. A complete file of the journal for the years 1730–73 is in the State House, Boston.

A Collection of the Proceedings of the Great and General Court or Assembly of His Majesty's Province of the Massachusetts Bay, in New England, containing several instructions from the Crown to the Council and Assembly of that Province, for fixing a Salary on the Governor and their Determination thereupon. As also the Methods taken by the Court for supporting the several Governors since the Arrival of the Present Charter. Boston, 1729.

A very rare work.

Votes and Proceedings of the General Assembly of the Colony of New York, 1691–1765. 2 vols. New York, 1764–66.

Votes and Proceedings of the House of Representatives of the Province of Pennsylvania. 6 vols. Philadelphia, 1752–76.

Journals of Assembly in manuscript for the three Lower Counties (Delaware) for 1739, 1740, 1741, and the March sessions of 1742, have recently been discovered in the archives of Dover. An incomplete printed journal for the year 1763, and the entire printed journal for the years 1765 to 1770, are in private hands. No others are known to exist.

Journals of the House of Burgesses of Colonial Virginia, 1619–1776. 12 vols. Ed. by J. P. Kennedy and H. R. McIlwain. Richmond, 1905–15; *Legislative Journals of the Councils of Colonial Virginia.* 3 vols. Ed. by H. R. McIlwain Richmond, 1918–19; *Minutes of the Council and General Court of Colonial Virginia*, 1622–1623, 1670–1676. Ed. by H. R. McIlwain. Richmond, 1924.

Sessional papers for other colonies are contained in general collections of their records. The following are the most important:

Province and Court Records of Maine. Vol. I. Ed. by C. T. Libby. Portland, 1928.

Documents and Records Relating to the Province of New Hampshire, 1623–1800. 7 vols. Compiled by N. Bouton. Concord, 1867–73.

These are commonly known as "Province Papers". The minutes of Assembly do not go beyond 1748.

Records of the Colony of New Plymouth in New England. 12 vols. Ed. by N. B. Shurtleff. Boston, 1855–61.

Records of the Colony of Rhode Island and Providence Plantations in New England, 1636–1792. 10 vols. Ed. by J. R. Bartlett. Providence, 1856–65.

Public Records of the Colony of Connecticut, 1636–1796. 15 vols. Ed. by J. H. Trumbull and C. J. Hoadle. Hartford, 1850–90.

Documents relating to the Colonial History of New Jersey. First series, 18 vols. Ed. by W. Whitehead, F. W. Record and W. Nelson. Newark, 1880–93.

Vols. XIII–XVIII contain the journals of the Governor and Council.

Archives of Maryland. 44 vols. Ed. by W. H. Browne, C. Hall and B. C. Steiner. Baltimore, 1883–1926. In progress.

Colonial Records of North Carolina. 10 vols. Ed. by W. L. Saunders. Raleigh, 1886–90.

Contains the minutes of Council and Assembly.

South Carolina:

The State of South Carolina has not printed its records, except where very early and very late proceedings of Assembly have appeared in the Publications of the South Carolina Historical Commission, Columbia, 1907 and following years. The bulk of the material for the history of this colony is in the State House, Columbia, in the form of manuscript volumes and a collection of the contemporary printed issues, labelled on the back "Public Records of South Carolina". The manuscript and printed volumes taken together constitute a continuous series.

Colonial Records of the State of Georgia. 26 vols. Ed. by A. D. Candler. Atlanta, 1904–16.

Vols. VII–XVIII contain the records of Council and Assembly.

Journals of Congress.

The records of meetings of Congress before 1783 are printed in:

Secret Journals of the Acts and Proceedings of Congress...(1775–1778). 4 vols. Boston, 1820–1.

Journals of the American Congress: from 1774 to 1788. 4 vols. Washington, 1823.

Journals of the Continental Congress, 1774–1789. Ed. by W. C. Ford. Washington, 1904. In progress.

(3) Official Correspondence

Correspondence of William Pitt, when Secretary of State, with Colonial Governors and Military and Naval Commanders in America. Ed. by G. S. Kimball. 2 vols. New York, 1906.

Edward Randolph: including his letters and official papers from the New England, Middle and Southern Colonies in America with other documents relating chiefly to the vacating of the royal charter of the Colony of Massachusetts Bay, 1676–1703. With historical illustrations and a memoir by R. N. Toppan. 5 vols. Prince Soc. Publicns. Boston, 1898–99.

Idem. Vols. VI and VII. Ed. by A. T. S. Goodrick. Boston, 1909.

The Belcher Papers. In *Collections* of the Massachusetts Hist. Soc. 6th series, vols. VI, VII. With prefaces by C. C. Smith. Boston, 1893–94.

Correspondence of William Shirley, Governor of Massachusetts and Military Commander in America, 1730–1760. Ed. by C. H. Lincoln. 2 vols. New York, 1912.

The Barrington-Bernard Correspondence and Illustrative Matter, 1760–1770. Ed. by E. Channing and A. C. Coolidge. Harvard Historical Studies. Vol. XVIII. Cambridge, Mass. 1912.

The Diary and Letters of his Excellency Thomas Hutchinson, Esq., B.A. (Harvard), LL.D. (Oxon.), Captain General and Governor-in-Chief of his late Majesty's Province of Massachusetts Bay in North America. By Peter Orlando Hutchinson. 2 vols. London, 1883.

The Correspondence of the Colonial Governors of Rhode Island, 1723–1775. Ed. by Gertrude S. Kimball. New York, 1902.

The Talcott Papers (2 vols.). *The Wolcott Papers* (1 vol.). *The Pitkin Papers* (1 vol.). *The Law Papers* (3 vols.). *The Fitch Papers* (2 vols.). *The Wyllys Papers* (1 vol.). In *Collections* of the Connecticut Hist. Soc. Hartford, 1894–1925.

Documents relative to the Colonial History of New York. Ed. by E. B. O'Callaghan. 10 vols. and Index. Albany, 1853–87.

Largely made up of correspondence of the Governors with the Secretary of State and the Board of Trade.

The Letters and Papers of Cadwallader Colden. 7 vols. In *Collections* of the New York Hist. Soc. 1917–23. New York, 1918–23.

Papers of Lewis Morris, Governor of the Province of New Jersey, 1738–1746. In *Collections* of the New Jersey Hist. Soc. Vol. IX. Newark, 1852.

Correspondence of the Governor Horatio Sharpe. Ed. by W. H. Browne. In *Archives of Maryland*, vols. VI, IX, XIV. 1888, 1890, 1895.

In vol. XXI, 1911, pp. 569–72, may be found additional letters and addresses.

The Official Letters of Alexander Spotswood. Ed. by E. A. Brock. In *Collections* of the Virginia Hist. Soc. New series, vols. I, II. Richmond, 1882, 1885.

The Official Records of Robert Dinwiddie. In *Collections* of Virginia Hist. Soc. New series, vols. III, IV. 2 vols. Richmond, 1883, 1884.

Many letters of the colonial governors and others may be found in the *New Hampshire Papers*, the *New Jersey Archives*, the *Maryland Archives*, the *North Carolina Records*, and the *Georgia Colonial Records*, already listed.

The Revolutionary Diplomatic Correspondence of the United States. Ed. under the direction of Congress by Francis Wharton. New ed. by J. B. Moore. 6 vols. Washington, 1889.

(4) Miscellanea

The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies now or Heretofore forming the United States of America. Ed. by F. N. Thorpe. 7 vols. Washington, 1909.

Faulty for the Colonial Period. Omits all commissions and instructions to the royal governors and others.

Reports on the Laws of the Colony of Connecticut by Francis Fane, K.C., Special Counsellor to the Board of Trade. Ed. by C. M. Andrews. Acorn Club Publicns. Hartford, Conn. 1915.

Reports by Sir John Randolph and Edward Barradall of Decisions of the General Court of Virginia, 1728–1741. Ed. by R. T. Barton. 2 vols. Boston, 1909.

The introduction by the editor contains a section on "Government", summarising administration in Virginia during the colonial period.

Report of Cases in the Vice-Admiralty of the Province of New York and in the Court of Admiralty of the State of New York, 1715–1788. Ed. by C. M. Hough. Yale Hist. Publicns. MSS and Edited Texts, vol. VIII. New Haven, 1925.

That part of the text which relates to the colonial period contains not the proceedings of the vice-admiralty courts but the opinion of the judges of vice-admiralty. Such opinions are very rarely found among the vice-admiralty records of the colonies.

Massachusetts Royal Commissions, 1688–1774. Ed by A. Matthews. Collections of the Colonial Soc. of Massachusetts. Vol. II. Boston, 1913.

Contains commissions to the governors and lieutenant-governors and vice-admiralty commissions to the governors. Supplementary to it is MATTHEW, A., "Notes on the Massachusetts Royal Commissions". *Trans. of Colonial Soc. of Massachusetts*. Vol. XVI. Boston, 1915.

III. OFFICIAL PAPERS PRESERVED IN FOREIGN REPOSITORIES

(1) FRANCE

(By C. HEADLAM)

NOTE. The following section on the French Archives refers to the chapter on "International relations in the Colonial Sphere, 1763–1783".

The French official documents relating to this period are in the Archives Nationales at Paris, Ministère des Affaires Étrangères, Ministère de la Guerre, Ministère des Colonies et de la Marine, and at the Bibliothèque Nationale.

(*a*) The Archives du Ministère des Affaires Étrangères (diplomatic correspondence and memorials) are arranged under national headings (Angleterre, Espagne, Portugal, etc.). There is an *Inventaire sommaire des archives du Département* which will be found useful.

(*b*) Among the Archives du Ministère de la Marine deposited in the Archives Nationales are many despatches and instructions by the Duc de Choiseul when he was Minister of the Marine.

(*c*) Among the MSS Français at the Bibliothèque Nationale is the correspondence of the Abbé Béliardi with the Duc de Choiseul on Spanish and colonial affairs. (*V.* an article by M. P. Muret on "Les papiers de l'Abbé Béliardi" in *Revue d'histoire moderne*, 1902, 1903.) Also a "Description géographique de la Guyane" by Bellin.

Many important diplomatic documents are printed in Flassan's *Histoire de la diplomatie française*. (*V. infra*, p. 887.)

For the history of the French West Indies, Moreau de Saint Méry's MSS collections at the Ministère de la Marine and Le Pers' History of San Domingo at the Bibliothèque Nationale (No. 8992) are of great value.

Many documents relating to the Secret Diplomacy of Louis XV are printed by Boutaric, and by the Duc de Broglie, in *The King's Secret*. (*V. infra*, pp. 885–6.)

Mémoires du Duc de Choiseul, 1719–1785, ed. by F. Calmettes, Paris, 1904, contains several important letters and memoranda by the Duc de Choiseul, notably that of the year 1765 in which Choiseul explained his policy at the end of the Seven Years' War and his views as to the coming war with England. Choiseul recorded his own view in other *Mémoires*, published by Ch. Giraud in *Journal des Savants*, 1881, and in *Mémoires de M. le Duc de Choiseul, écrits par lui-même*. 2 vols. Paris et Chanteloupe, 1790; and in his correspondence with Bernstorff (*Correspondance entre Bernstorff et le Duc de Choiseul*, 1758–1766), published at Copenhagen, 1871. See also E. F. de Choiseul-Stainville, *Mémoires*, 1719–1785. Paris, 1904.

Instructions to French Ambassadors are published in the *Recueil des instructions données aux Ambassadeurs de France*.... 20 vols. Paris, 1884–1913.

Official correspondence relating to the French Colonies is published in P. V. de Malouet's *Collection de Mémoires et Correspondances Officielles sur l'Administration des Colonies, et notamment sur la Guiane Française et Hollandaise*. 5 vols. Paris, 1802.

(2) Portugal

Lisbon contains a great amount of MS material bearing upon colonisation, at the Archivo nacional da Torre do Tombo and in other libraries. For an enumeration of these collections and indications of their contents see *Bulletin of the Institute of Historical Research*, vol. II, pp. 4–7.

Some transcripts of papers in the Portuguese Archives, relating to British Guiana, are among the MSS at the British Museum. B.M. Add. MSS 37042–37044.

A useful list of Portuguese MSS relating to Brazil in the British Museum is given in Oliveira Lima, *Relação dos manuscriptos portuguezes e estrangeiros de interresse para o Brazil existentes no Museu Britannico de Londres*. Rio de Janeiro, 1903.

(3) Spain

The Spanish Archives at Simancas, so far as they refer to matters relating to England, are calendared in:

Calendar of State Papers, Spanish, 1485–1603. London, 1879–1916.

The Archives of the Indies at Seville contain a mass of largely unexplored material, some of it bearing upon English expansion. Selected documents are printed in the following collections:

Coleccion de documentos inéditos para la historia de España. Ed. by A. Fernandez de Navarrete. 112 vols. Madrid, 1842–95.

Coleccion de documentos inéditos relativos al descubrimiento, conquista y colonizacion de las posesiones españolas en América y Occeanía.... Ed. by J. F. Pacheco, and others. 42 vols. Madrid, 1840–83.

Coleccion de documentos inéditos relativos al descubrimiento, conquista y organizacion de las antiquas posesiones españolos de ultramar. Ed. by J. F. Pacheco, and others. 2nd series, 21 vols. Madrid, 1885–1900, 1923–8.

There is a series of transcripts of papers relating to Venezuela from the Archives of the Indies at Seville among the MSS at the British Museum. B.M. Add. MSS 36314–36353.

The Spanish documentary material for the period 1763–1783 is preserved in the (*a*) Archivo Historico, Madrid; (*b*) Archivo del Academia de la Historia.

Very full references to MS sources in the Spanish Archives are given by Danvila y Collado in his elaborate *Reinado de Carlos III.* 6 vols. Madrid, 1892.

Original documents are published in Esperanza's *Coleccion de los articulos sobre la historia del reinado de Carlos III.* Madrid, 1859.

Instructions to Ambassadors are published by A. Morel Falio and H. Léonardon in *Recueil des Instructions données aux ambassadeurs de France, etc.* (Espagne.) Vol. III. Paris, 1901.

Documents relating to the history of Peru and the Provinces of Rio de la Plata are given in Pedro de Angeli, *Relacion Histórica*, 5 vols. Buenos Ayres, 1900; and, for the Argentine, *Memoria Histórica*, by the same author. Buenos Ayres, 1852.

(4) Holland

Extracts from the Archives at the Hague are printed in:

Letters and Papers relating to the first Dutch War, 1652–1654. Ed. by S. R. Gardiner and C. T. Atkinson. 5 vols. N.R.S. 1899–1912.

(5) Venice

Calendars of State Papers, Venetian, 1202–1652. Ed. by H. Brown and A. B. Hinds. London, 1871–1927.

Contain summaries of documents in the Venetian Archives relating to England.

IV. NON-OFFICIAL PAPERS PRESERVED IN BRITISH REPOSITORIES

(1) Public Record Office

Chatham MSS:

This collection, containing the correspondence of both the Elder and the Younger Pitt, was bequeathed to the Public Record Office by the late Admiral Pringle. There is a MS Index by Mrs S. C. Lomas.

A selection from these MSS has been published in *The Chatham Correspondence.* Ed. by W. S. Taylor and J. H. Pringle. 4 vols. London, 1838–40.

Rodney MSS:

Journals and Correspondence of Admiral Rodney, 1767–1782. 26 bundles. Bundles 9–19 are of value for the American War of Independence.

Shaftesbury MSS:

This series of 50 bundles includes the papers of the 1st Earl of Shaftesbury and those of John Locke. They are valuable especially for the settlement of the Carolinas, and for the history of Jamaica and Barbados.

(2) British Museum

MSS relating to colonisation are scattered throughout the great collection in the Department of MSS. A note on MSS of value for the diplomacy leading up to the Peace of Paris of 1763 is given *infra*, pp. 839–44. The following deserve special notice:

Among the Lansdowne MSS the collection of State papers made by Lord Burghley, and that of cases in maritime law by Sir Julius Caesar, are important for commerce and international negotiations under Elizabeth.

The Harleian MSS contain a volume entitled "A Collection of Tracts and Papers, relating chiefly to Sea-matters, Customes, etc.". This includes "Relation of the taking of Cales by the Earl of Essex, 1596". B.M. Harl. MS, 167; No. 14, f. 109.

The Stowe MSS also contain material of value for expeditions of the sixteenth century, including "A briefe and a true discourse of the late honorable voyage into Spaine..." (1596) by Dr Marbecke. B.M. Stowe MS, 159, f. 353.

The Sloane and Egerton MSS contain material of particular value for the seventeenth century. The volume Egerton 2395 is of great importance for the West Indies for the Interregnum and Restoration periods. It contains papers of Thomas Povey, others of which are in B.M. Add. MS 11411.

Among the Additional MSS the most valuable collections are:

(*a*) The Newcastle Papers. Add. MSS 32686–32992 contain the correspondence of the Duke of Newcastle, and the succeeding volumes a collection of his papers.

(*b*) The Hardwicke Papers. Add. MSS 35349–36278 contain the correspondence and collections of the first four Earls of Hardwicke.

(*c*) Papers collected by Edward Long. Add. MSS 12402–12440, 18270–18275, 18959–18963, 21931–22639, 22676–22680. Of value for the West Indies in the seventeenth and eighteenth centuries.

(*d*) Papers of the South Sea Company. Add. MSS 25494–25543 (Minutes of the Court of Directors); 25544–25549 (Minutes of General Courts); 25550–25554 (Committee of Correspondence), and 25555–25567 (Correspondence, etc.).

(3) The Bodleian Library

The Clarendon and Rawlinson MSS especially contain material of value for the history of the West Indies in the seventeenth and eighteenth centuries.

(4) Library of Magdalene College, Cambridge

The Pepys Collection:

These MSS are of the greatest value for the history of the Navy and sea power. They are described and partly printed in:

A Descriptive Catalogue of the Naval Manuscripts in the Pepysian Library at Magdalene College, Cambridge. Ed. by J. R. Tanner. 4 vols. N.R.S. 1903–23.
Vol. IV contains the *Admiralty Journal.*

Samuel Pepys's Naval Minutes. Ed. by J. R. Tanner. N.R.S. 1926.

Private Correspondence and Miscellaneous Papers of Samuel Pepys, 1679–1703. Ed. by J. R. Tanner. 2 vols. London, 1926.

(5) Private Collections

(*a*) The most important sources for papers in private custody are the Reports of the Royal Commission on Historical Manuscripts. A note on the use of these and some other private sources for the diplomatic aspect is given *infra*, pp. 839–44. A valuable analysis is given by Dr J. F. Jameson in "Guide to the Items relating to American History in the Reports of the English Historical Manuscripts Commission and their Appendices." *Report, American Historical Association,* 1898, pp. 611–700. The following collections are of especial value for colonial history:

Calendar of the MSS of the Marquess of Salisbury preserved at Hatfield House. 13 vols. London, 1883–1923. (16th century.)

Report on the MSS of his Grace the Duke of Manchester. VIIIth Report, Appendix II. London, 1881. (17th century.)

Report on the MSS of the Earl of Eglinton. Xth Report, Appendix. London, 1885. (17th century.)

Report on the MSS of the Earl of Egmont. Vols. I and II, London, 1905. Vol. III, Dublin, 1909. (17th century.)

MSS of the House of Lords. IXth Report, Appendix II (1670–8), London, 1884; XIth Report, Appendix II (1678–88), London, 1887; XIth Report, Appendix VI, XIIIth Report, Appendix V, XIVth Report, Appendix VI (1689–93), London, 1889–94. For new series *v. supra*, p. 826.

Report on the MSS of Lord Polwarth preserved at Mertoun House, Berwickshire. Vol. II. London, 1916. (17th and 18th centuries.)

Report on the MSS of the Duke of Portland preserved at Welbeck Abbey. Vols. III–VI (Harley Letters and Papers). London, 1894–1901. (17th and 18th centuries.)

MSS of the Duke of Rutland, at Belvoir Castle. XIIth Report, Appendix V, London, 1889; XIVth Report, Appendix I, London, 1894. (17th and 18th centuries.)

MSS of the Marquess of Townshend. XIth Report, Appendix IV. London, 1887. (17th and 18th centuries.)

The MSS of the Earl of Dartmouth. XIth Report, Appendix, Part V. London, 1887. (17th and 18th centuries.) XIVth Report, Appendix, Part X. American Papers. London, 1895. (18th century.)

MSS of the Right Honourable Lord Lyttelton, Hagley, Co. Worcester. IInd Report, Appendix, pp. 36–9. London, 1871. (18th century.)

MSS of the Marquess of Lansdowne. IIIrd Report, Appendix, pp. 125–47. (Shelburne MSS.) London, 1872. (18th century.)

Shelburne MSS. Vth Report, Appendix, pp. 215–60. London, 1876. (18th century.) For further reference to Shelburne MSS, *v. infra*, pp. 842, 844.

Report re the MSS of Mrs. Stopford-Sackville. 2 vols. London, 1904, 1910. (18th century.)

Report on the American MSS in the Royal Institution of Great Britain. 4 vols. London, 1904–9. (18th century.)

Report on the MSS of the Marquess of Lothian. London, 1905. (18th century.)
Includes papers of George Grenville.

MSS of the Earl of Carlisle at Castle Howard. XVth Report, Appendix V. London, 1897. (18th century.)
The MSS of Captain Howard Vicente Knox. Various Collections. Vol. VI, pp. 81–296. London, 1909. (18th century.)
The MSS of Cornwallis Wykeham-Martin, Esq. Various Collections. Vol. VI, pp. 297–434. London, 1909. (18th century.)
The MSS of the Right Honourable the Earl of Pembroke at Wilton House. IXth Report, Appendix, Part I, pp. 380–4. London, 1884. (18th century.)
MSS...in the Possession of Lord Braybrooke...at Audley End. VIIIth Report, Appendix, pp. 287–96. (Papers of Charles, 1st Marquis Cornwallis.) London, 1881. (18th century.)

(*b*) Many documents from private collections of MSS valuable for the study of sea power are printed in the publications of the Navy Records Society. Some of these have already been mentioned, as the volumes contain also official documents in some cases. (*V. supra*, p. 827.)

The following volumes of this series are of especial value for the American War of Independence:

Letters written by Sir Samuel Hood (Viscount Hood) in 1781–2–3. Ed. by D. Hannay. N.R.S. 1895.
Journal of Rear-Admiral Bartholomew James, 1752–1828. Ed. by Sir J. K. Laughton and J. V. I. Sulivan. N.R.S. 1896.
The Naval Miscellany. Vol. I. Ed. by Sir J. K. Laughton. N.R.S. 1902.
This volume includes "Journals of Henry Duncan, Captain, Royal Navy" and "Extracts from the Papers of Samuel, First Viscount Hood".
Recollections of James Anthony Gardner. Ed. by Sir R. V. Hamilton and Sir J. K. Laughton. N.R.S. 1906.
Letters and Papers of Charles Lord Barham, 1758–1813. Ed. by Sir J. K. Laughton. Vols. I–III. N.R.S. 1907, 1910.
Signals and Instructions, 1776–1794. Ed. by Sir J. S. Corbett. N.R.S. 1908.

(*c*) The Windsor Archives:

Selections from the papers of George III in the Windsor Archives have recently been published in *The Correspondence of King George III from* 1760 *to December* 1783. Ed. by Sir J. W. Fortescue. 6 vols. London, 1927–8.

This series is supplemented by an earlier collection still of some value:

Correspondence of George III with Lord North from 1768 *to* 1783. Ed. by W. B. Donne. 2 vols. London, 1867.

(*d*) West India Committee, London:

The Minute Books of the Committee are preserved at 14 Trinity Square, E.C. 4. They extend from 1769 to the present day, with some gaps in the mid-nineteenth century.

The Committee consisted in the 18th century of London merchants trading in the West Indies, and absentee planters; it dealt mainly with commercial matters, but also with the political interests of the colonies. The records are full and throw much light on economic conditions in the islands.

(*e*) Royal Empire Society, London:

Davis Papers. A collection of transcripts made by Darnell Davis, containing papers relating to the West Indies, chiefly in the 17th century. Some are from originals formerly preserved in the islands and now destroyed.

Note on the connection between Diplomatic and Colonial Records, 1509–1783

(By Harold Temperley)

I. *Diplomatic Sources from* 1509 *to* 1748

The records of the Colonial Office are not in themselves sufficient for the history of colonial, still less of imperial, policy. But, while historians are fully aware of the need of consulting other records including Foreign Office papers at the Public Record Office, they are not equally alive to diplomatic sources available (*a*) in the *Historical Manuscripts Commission Reports* and (*b*) in the *British Museum Additional Manuscripts*. A most valuable report, prepared by Miss Davenport and published as Appendix II to the *Historical MSS Commission*, XVIIIth Report, *Cd.* 8384, covers the whole ground of diplomatic history from 1509 to 1783. It gives references (*a*) to the notices and summaries dealing with this subject in the printed volumes of the *Hist. MSS Commission* and (*b*) to a large number of manuscripts in the British Museum. Though the sources quoted are apparently diplomatic, colonial material becomes more and more connected with it, so that for each succeeding century the student of colonial history will gain more by consulting it.

Miss Davenport's references to the diplomatic sources from 1509 to 1748 are printed on pp. 357–97 of the *Hist. MSS Commission*, XVIIIth Report.

It is impossible to quote these in detail. But, in order to illustrate the value of her work, and the interconnection of diplomatic and colonial records, the portion of her report dealing with the years 1748–64 is quoted in full in Section II (immediately following) and associated with a number of additions from other records.

II. *The Diplomacy leading up to the Peace of Paris*, 1748–1763

Miss Davenport's list of materials for English Diplomatic History (*Hist. MSS Commission*, XVIIIth Report, App. II, pp. 398–400, *Cd.* 8384) for these years is quoted below.

1748. Letters of the Greffier Fagel to Count Bentinck, plenipotentiary at the Congress of Aix-la-Chapelle. Eg. MSS 1736–38. Copies of letters of Bentinck to the Prince of Orange. Eg. MSS 1861.

1748. Papers dealing with the Treaty of Aix-la-Chapelle. Eg. MSS 1756.

1748–57. Correspondence, chiefly diplomatic, of Robert Keith, minister plenipotentiary at Vienna. Add. MSS 35461–35481, 35486–35492.

1748–57. Letter-books of James Porter, ambassador to Constantinople. Add. MSS 35496–35499.

1749–54. Letter-books of despatches of the Earl of Albemarle during his embassy to Paris. Add. MSS 33026–33027.

1749, 1754, 1758. Full-powers to Robert Keith, minister at Vienna, later ambassador to Russia. Add. MSS 36271. H–J (Hardwicke papers).

1749–61. Correspondence of the Earl of Holdernesse, minister at The Hague and secretary of state; correspondence of various ambassadors and statesmen, including the Duke of Newcastle; many foreign news letters. XI, 7 ("Leeds, &c. MSS"), 43–53.

1749–66. Copies of treaties, conventions, etc. II, 3. Bedford MSS.

1750. Papers relating to the negotiation with Spain and the treaty of Madrid. VIII, 1, 284. Braybrooke MSS.

1750. Various original diplomatic documents, in Turkish. Add. MSS 12086.

c. 1750–65. Copies of state papers, etc., relating to Portugal. II, 135–6. Lansdowne MSS.

1751, April 8. Translation of letter in cypher from Mr Wall, Spanish ambassador in London, to M. de Carvajal. VIII, 1, 284–5. Braybrooke MSS.

1752–53. Letter-books of Sir James Porter, ambassador at Constantinople. XII, 9 ("Beaufort, etc. MSS"), 334–6. Aitken MSS.

1752–57. Correspondence of Lord Tyrawley, ambassador in Portugal. Add. MSS 23634.
1752–[83]. Papers of Sir Joseph Yorke, plenipotentiary at The Hague. Add. MSS 35432–35444.
1753–71. Correspondence of Sir Andrew Mitchell, ambassador at the court of Frederick the Great. v, 627. Forbes MSS.
1754. Correspondence between the Earl of Albemarle, at Paris, the secretaries of legation, and Sir Thomas Robinson, secretary of state; despatches from Sir C. H. Williams, at Warsaw. III, 141. Lansdowne MSS.*
1755. Copies of the Russian and Hessian treaties with notes by the Duke of Bedford. II, 2. Bedford MSS.
1755, July 30. Minute of the cabinet on subsidiary treaties. Add. MSS 35870, 27 (Hardwicke papers).
1755–6. Papers relating to difficulties between France and England. Add. MSS 15915.
1755–6. Copies of secret correspondence between the Earl of Holdernesse and Sir Charles Hanbury Williams, sent to St Petersburg to negotiate a treaty of subsidy and alliance between England and Russia. III, 126–7. Lansdowne MSS.
[1755–7.] Letters from Lord Digby to Sir Charles Hanbury Williams in 1755, and transcripts from letters written by Sir Charles Hanbury Williams from St Petersburg to Lord Holdernesse and others. VIII, 3, 14. Ashburnham MSS.
1756. Papers relating to negotiations between England, France, and Prussia. Add. MSS 6811.
1756. Treaty projected with the Duke of Brunswick-Lüneburg. Add. MSS 6866.
1756. Copies of despatches relating to German foreign affairs. III, 129. Lansdowne MSS.*
1756. Notices relating to the memorial of M. Hop, Dutch minister in England. Add. MSS 6813.
1756, January 16. Copy of the treaty of Westminster, and of the secret article thereto attached. III, 132. Lansdowne MSS.*
1756, April 11. Declaration from the English plenipotentiaries to the Prussian ministers. Add. MSS 6865.
1756, May 1. Copy of treaty of Versailles. III, 132. Lansdowne MSS.
1756, May 1. Copy of convention of neutrality between the Empress Queen and France as regards the differences between England and France in America. III, 132. Lansdowne MSS.*
1756, May 14–1757, December 15. Copies of part of the correspondence of Sir Andrew Mitchell, envoy to Prussia. III, 127–9. Lansdowne MSS. Printed in part in Mr Bisset's Life of Sir A. Mitchell.
1756–7. Correspondence and papers of Sir Charles Williams at Berlin. Dresden and St Petersburg. Add. MSS 6804, 6806, 6811, 6812, 6813, 6824, 6827, 6841, 6844, 6864, 6871.
1756–7. Letters from Sir Benjamin Keene, ambassador in Spain. Add. MSS 6811–6814, 6862.
1756–60. Correspondence of Sir James Porter, ambassador at Constantinople. Add. MSS 6806–6808, 6812–6818, 6830, 6861.
1756–61. Correspondence of the Earl of Bristol, at Turin and Madrid. VI, 315–6. Leconfield MSS.
1756–62. Correspondence of Sir Robert Keith, at Vienna and St Petersburg. Add. MSS 6806–6809, 6811, 6812, 6817, 6820, 6825, 6827, 6829, 6844.
1756–62. Correspondence of the Earl of Holdernesse with R. Keith, A. Mitchell, and others. Add. MSS 6804–6806, 6808, 6811–6819, 6824, 6825, 6831, 6832, 6871.
1756–63. Letters and papers of Dodo Heinrich Knyphausen, Prussian minister in England. Add. MSS 6804, 6807, 6816, 6817, 6821, 6847, 6851.
1756–70. Correspondence and papers of Joseph Yorke, minister at The Hague. Add. MSS 6806–6818, 6820, 6831, 6832, 6836.
1756–70. Correspondence of David Murray, Lord Stormont, ambassador at

Dresden and Vienna. Add. MSS 6804, 6806–6810, 6812, 6813, 6817, 6818, 6826–6829.

1756–70. Correspondence, memorials, etc., of Sir Andrew Mitchell, ambassador to Prussia, etc. Add. MSS 6804–6872, 11260–11262.

1756 and later. Copies of state papers relating to the negotiations at the chief European courts which preceded the outbreak of the Seven Years' War, a few relating to the war itself, the despatch of the Conde de Fuentes to Lord Egremont, December 25, 1761, and an unimportant Spanish correspondence after the conclusion of the peace. III, 134–5. Lansdowne MSS.

1757. Conditions imposed by Count Colloredo, Austrian ambassador in England, for a neutrality for Hanover, and correspondence of the same ambassador with the Earl of Holdernesse. Add. MSS 6814, 6844.

1757–62. Diplomatic correspondence of Robert Keith, envoy extraordinary at St Petersburg. Add. MSS 35482–35485, 35493–35495.

1758–9. Letters from Sir Harry Frankland, consul-general at Lisbon, to the Earl of Bute. Add. MSS 5726.

1758–82 and later. A great mass of political correspondence, alphabetically arranged and listed. VI, 236–42. Lansdowne MSS.

1759–66. Political correspondence of Richard Phelps, under-secretary of state, including many letters to and from ministers abroad, and instructions to them. VIII, 3, 15. Ashburnham MSS.

1759–78. Correspondence of William Pitt. Add. MSS 6807–6808, 6810, 6816–6819, 6821, 6830, 6831, 6833.

1760–[1783]. Drafts, to be written into cipher, of despatches from the English Foreign Office to British ministers at foreign courts and others, with cipher keys. Add. MSS 32253–32257.

1761. Copy of correspondence of Hans Stanley during his special mission to France to negotiate a treaty of peace. Add. MSS 36798.

1761. Papers of Count Fuentes, Spanish ambassador in England. Add. MSS 6819, 6820.

1761, August 15. Copy of the Family Compact. III, 132. Lansdowne MSS.*

1761, Aug. 14–Sept. 18. Notes, by the 1st Lord Hardwicke, of cabinet meetings relating to the negotiations with France. Add. MSS 35870–35887 (Hardwicke papers).

1761–2. Letters from Prince Galitzin, Russian ambassador to England. Add. MSS 6819, 6851.

1761–2. Papers relating to negotiations for peace. Add. MSS 6819, 6820.

1761–3. Correspondence and papers relating to peace; large correspondence with Pitt, and between Lord Egremont and the French and Sardinian ministers; and with the Duke of Bedford as plenipotentiary. VI, 316. Leconfield MSS.

1761–3. Copies of correspondence and other papers relating to the peace of Paris. III, 130–32. Lansdowne MSS. Part of the correspondence relating to the negotiations of 1761 is printed by Mr Thackeray, vol. I, 510–79, vol. II, 507–602.

1761–4. Papers and letters of Edward Weston, under-secretary of state for foreign affairs. X, 1 "Eglinton, etc. MSS.," 221–224, 227–239, 320–380, 449–451. Underwood MSS.

1761–7. Correspondence of George III and Prussian sovereigns. Add. MSS 6818–6821, 6864.

1761, October 16–1768. Volume containing copies of memoranda by Lord Grenville, giving political information, home and foreign. II, 8. Cowper MSS.

1762. Correspondence of Count Bothmar, Danish minister in England. Add. MSS 5726, 6820.

1762–3. Letters and papers touching the negotiations for the treaty of 1763, including letters from the Duke of Bedford and the Earl of Egremont, and correspondence and papers of Richard Neville Neville. VIII, 1, 285–7. Braybrooke MSS.

1762–5. Papers relating to trade with Russia, collected by the Earl of Buckinghamshire during his embassy to St Petersburg. Private letters from the same.

Lothian MSS (1905), 170–192, 222–237. An instalment of a large collection of diplomatic papers collected by Lord Buckinghamshire and preserved among the Lothian MSS, together with his official despatches from St Petersburg, were published by the Royal Historical Society in 1900 and 1902. (Camden, 3rd series, vols. 2 and 3.)

1762–5. Papers relating to Poland and Courland, with letters from Mr Wroughton, minister at Warsaw. Lothian MSS (1905), 192–221.

1763. Letters and papers relating to the peace. II, 2. Bedford MSS.

1763, August 1–November 1. Copies of correspondence of Richard N. A. Neville, secretary to the embassy at Paris, and Col. Desmaretz. Add. MSS 35882 (Hardwicke papers).

1763–5. Letter-book of Sir James Porter, minister at Brussels. XII, 9 ("Beaufort, etc. MSS"), 336–342. Aitken MSS.

1763–8. Correspondence of Henry Conway, secretary of state. Add. MSS 6810, 6821, 6826, 6829, 6833, 6857.

c. 1763–8. Copies of correspondence between the Secretaries of State, Lord Hertford, at Paris, and the Duke of Bedford; between the Duc de Guerchy, in London, and the Duc de Choiseul; and between Lord Shelburne and the Earl of Rochfort and Mr Walpole at Paris. III, 142–3. Lansdowne MSS.*

1763–72. Extracts from the correspondence of David Murray, Viscount Stormont, ambassador to Vienna. Add. MSS 35500, 35501.

1764. Copies of letters and affidavits concerning the Chevalier d'Eon, and his transactions with the French ambassador. VIII, 3, 11. Ashburnham MSS.

1764–7. Reports, mostly by Dr Marriott, on questions of international law arising out of the treaty of Paris, including reports on earlier treaties. III, 139. Lansdowne MSS.

1764–1800. Correspondence of Sir William Hamilton, British envoy at Naples. Eg. MSS 2634–2641.

(*a*) *Historical Manuscripts Commission Reports.*

It will be observed that the above list includes materials in the shape of references to the summaries in various Reports of the *Hist. MSS Commission Reports*. But it is important to note that Reports I–IX are so scanty and meagre in their descriptions that their allusions to the contents of the documents are almost worthless. The *Hist. MSS Commission Reports* quoted after that date as, e.g. the Weston MSS XI, or the Beaufort MSS XII, 9, have fuller summaries and are therefore of much greater value.

As regards private collections Miss Davenport's list may be supplemented as follows: The "Lansdowne MSS", which she quotes (to which references above are marked with an asterisk), have been called the "Shelburne MSS" in the text (Chap. XVII). This title has been now generally adopted at the suggestion of Lord Fitzmaurice, who wished to distinguish them from the collection of Lansdowne MSS in the British Museum. These were studied by H. Temperley when they were still in Lansdowne House, and the references in the text are references as then arranged. The MSS have been now transferred under the name "Shelburne MSS" to the University of Ann Arbor, Michigan, U.S.A. There is a note as to their contents there by C. W. Alvord in *Bulletin of Institute of Historical Research*, vol. I, No. 3, Feb. 1924, pp. 77–80.

The most important part of the collection is the Viry-Solar correspondence, which has been made use of in the text, p. 500. This source has not been fully used previously. It consists of an exchange of letters between the Sardinian representatives respectively of London and Paris who were, in fact, expressing the views of Bute and of Choiseul. The correspondence was intended to be secret and, for that reason, the official despatches in the Public Record Office are often intentionally misleading. This correspondence is summarised in the Canadian Archives Report (*Report of the Work of the Archives Branch for the year* 1912, by A. G. Doughty, Ottawa, 1913), pp. 124–52. The summaries are fairly full, but no summary is a satisfactory substitute for a diplomatic document *in toto*, and in some cases dates are incorrectly given.

(*b*) *British Museum Additional Manuscripts.*

Miss Davenport's list is full and valuable for the period from 1748, with which year it is needful to begin, as the Peace of Paris cannot be understood without going back to that year. Many diplomatic papers, which at first sight have little connection with the colonies, will be found to repay close examination.

The following additions to Miss Davenport's list may be made for this period. Add. MSS 9132. Observations on the present system of foreign affairs, 1751, endorsed by Horatio Walpole (the elder), "communicated to the Countess of Yarmouth who laid it before His Majesty, Nov. 1751". Add. MSS 33029, ff. 156–63: "Representation of the State of the Colonies in North America 1754"; ff. 289–309: "Four points to be discussed relating to America 1755".

In Add. MSS 35913, ff. 65–99 there is an important paper by the Earl of Halifax on the proceedings of the French in America dated April 1754. The papers of Sir Benjamin Keene, 1756–7, mentioned by Miss Davenport in her report, are a good example of the light thrown by diplomatic material upon colonial policy. The references there given should be supplemented from the Stowe MSS 256. This gives the secret correspondence of Pitt with Keene over the proposed cession of Gibraltar to Spain in 1757.

Add. MSS 33030, f. 401 sqq. contains a valuable report, apparently of about 1754–6, on the illicit trade of British North America with the French and Dutch West Indies, an important subject in the diplomacy at the end of the War.

Miss Davenport gives a good many references to MSS for Pitt's peace negotiations of 1761. She does not however refer to the Chatham MSS, vol. 85, in the Public Record Office, which should be consulted. (*V. supra*, p. 836.)

For the Bute stage of the negotiation of 1762–3, Miss Davenport's references may be supplemented as follows:

(i) *Commercial aspects.*

Board of Trade Reports on terms of peace: 13 April 1761, Add. MSS 33030, f. 1 sqq. (also in *ibid.* 35913, f. 73 sqq.) and under 8 June 1763, Add. MSS 35913, f. 228 sqq.; also in Public Record Office, C.O. 325/1.

The latter report is anticipated by an undated report of Pownall (Shelburne MSS, vol. XLIX). The Shelburne MSS also contain the original of the important report of Frobisher, 10 Nov. 1766, on Indian Trade; *v.* also Public Record Office, C.O. 325/1.

Speech of Lord Shelburne, 1762, on peace terms (*v.* text, pp. 504–5) in Shelburne MSS, vol. CLXV.

Newfoundland Fisheries. Questions and Answers *re* French and British Trade in Add. MSS 35913, ff. 73–93.

Report on Newfoundland Fisheries in 1766 in Shelburne MSS, vol. LXV.

State of the Slave Trade. Memo and figures from 1758–71, Public Record Office, C.O. 325/2.

(ii) *Diplomatic aspects.*

There are a good many papers in Add. MSS 35839, e.g. ff. 262–3: Abstract of Mr Legge's paper on Public Credit, 11 Feb. 1762, and a certain amount of Pitt's correspondence in 1761. The remainder deal with the Bute period. On f. 268 we have an exchange of letters between Frederick the Great and George III; f. 269 gives Minutes of a Cabinet of 29 March 1762 on the negotiation; ff. 272–5 detail the highly important conversation on peace terms between the Duke of Cumberland and the King, 1 Oct. 1762.

To this we should add Add. MSS 34523, f. 361, which gives a letter of the King to the Duke of Bedford of the 26 Oct. 1762, expressing his personal views on the peace. There are also some important letters from Bute to the King.

There are also some important letters of Calcraft, notably one of 30 Oct. 1762 to Shelburne, in Shelburne MSS CLXVII, renumbered CCII, on the King's influence on Lord Egremont.

III. *Diplomatic Sources from* 1763 *to* 1783

Miss Davenport's Report as before, *Hist. MSS Commission*, XVIIIth Report, *Cd.* 8384, pp. 401–2.

Note. Miss Davenport's Report was published in 1917 and some important additions, involving colonial material, have since been made both to the Historical MSS Commission Reports and to the Additional MSS in the British Museum.

V. NON-OFFICIAL PAPERS PRESERVED IN AMERICAN REPOSITORIES

Original manuscript material, much of it as yet unprinted, may be found in the Library of Congress, the New York Public Library, the Grosvenor Library at Ann Arbor, the Huntington Library at Pasadena, the files of the North Carolina Historical Commission, the libraries of the local historical societies from Maine to Georgia, and the many local town and country offices.

The printed *Collections* and *Proceedings* of these historical societies contain many papers of interest. Special mention may be made of the following series:

Proceedings of the American Antiquarian Society. Worcester, Mass. 1843 sqq.
Archaeologia Americana. 9 vols. Worcester, Mass. 1843.
Collections of the South Carolina Historical Society. Charleston, 1857–97.
Collections of the Georgia Historical Society. Savannah, 1840 sqq.
Collections of the Maine Historical Society. Portland, 1831 sqq.
Collections of the Massachusetts Historical Society. Boston, 1792 sqq. *Proceedings...* Boston, 1791 sqq.
Collections of the New Hampshire Historical Society. Concord, 1824–1915.
Collections of the New York Historical Society. New York, 1804 sqq.
Publications of the Historical Society of Pennsylvania. Philadelphia, 1826 sqq.
The Pennsylvania Magazine of History and Biography. Philadelphia, 1877 sqq.
Publications of the Rhode Island Historical Society. Providence, 1836 sqq.
Publications of the Virginia Historical Society. Richmond, 1874 sqq. *Collections....* Richmond, 1882 sqq.
The Virginia Magazine of History and Biography. Richmond, 1893 sqq.

Other printed documents may be found in:

Historical Collections relating to the American Colonial Church. Ed. by W. S. Perry. 5 vols. Hartford, Conn. 1870–78.
Historical Collections of South Carolina. Ed. by B. R. Carroll. 2 vols. New York, 1836.

Among the MSS collections the following are of especial interest:

(*a*) Clements Library at Ann Arbor, Michigan:

Shelburne MSS (*v. supra*, p. 842).

(*b*) Huntington Library at Pasadena, California:

Abercromby Papers.

These include a volume entitled "An Examination of the Acts of Parliament relative to the Trade of the American Colonies; also the Different Constitutions of Government in these Colonies considered with remarks formed into a Bill for the Amendment of the Laws of the Kingdom, in Relation to the Government and Trade of these Colonies. By Ja. Abercromby, [22] May, 1752".

Another copy of this work exists among the Shelburne MSS.

(*c*) Library of Congress, Washington:

Records of the Virginia Company in the Library of Congress are printed in:

Kingsbury, S. M. (Editor). *The Records of the Virginia Company of London....* Washington, 1906. In progress.

Reference is made *supra* (p. 828) to the records of the Councils for Foreign Plantations, 1670–2 and 1672–4, previously among the Phillips MSS.

VI. NEWSPAPERS AND PERIODICALS

(1) British

The Annual Register; or, a view of the history, politicks and literature of the year 1758, *etc.* London, 1760 sqq.

The Gentleman's Magazine, or, Monthly Intelligencer. London, 1731 sqq.

The British Merchant; or Commerce preserv'd.... London, 1713, 14. Reprinted in 3 vols. London, 1721; 2nd ed. London, 1743.

The Craftsman.... London, 1726–27. New ed. 14 vols. London, 1731–7. Continued as *The Country Journal; or, the Craftsman.* London, 1727–47.

The Scot's Magazine.... Edinburgh, 1739–1803.

A valuable collection of eighteenth-century English newspapers, made by Charles Burney, is preserved in the Newspaper Room at the British Museum.

(2) Colonial

(By Professor C. M. Andrews)

Information regarding early colonial newspapers may be obtained from I. Thomas, *History of Printing in America....* 2 vols. Worcester, Mass. 1810. C. S. Brigham, "Check List" in the *Proceedings of the American Antiquarian Society.* J. Van N. Ingram, *Check List of American Eighteenth-Century Newspapers in the Library of Congress,* 1912. F. Cundall, "The Press and Printers of Jamaica prior to 1820", in *Proceedings of the American Antiquarian Society,* new series, October 1916, pp. 290–412, and *A List of Newspapers in the Library of Yale University,* Yale Historical Publications, Miscellany, II.

Antigua (St John's):

The Antigua Gazette. Established about 1748 and continued for six or seven years.

Barbados (Bridgetown):

The Barbadoes Gazette. Established about 1731.

The Barbadoes Mercury. Established in 1762.

Georgia (Savannah):

The Georgia Gazette. Established 7 April 1763, and discontinued 7 February 1776.

Jamaica (Kingston and St Iago):

The Weekly Jamaica Courant. Established at Kingston in 1722 and continued until 1755. A copy or two may be found in the Public Record Office.

The Jamaica Gazette. Established at Kingston in 1745 and continued at least to the American Revolution.

St. Iago de la Vega Gazette. Established in 1755 and continued to 1820.

Kingston Journal. Established in 1756.

St. Iago Intelligencer. Established in 1756.

Maryland (Annapolis):

The Maryland Gazette. Established in September 1727 and continued certainly until 1731. Probably discontinued finally in 1734.

The Maryland Gazette. Established 17 January 1745, and continued until after 1820.

New England (Boston):

The Boston News-Letter. Established 20 April 1704. After various vicissitudes and many changes of title, this oldest of colonial newspapers was brought to an end in 1776.

The Boston Gazette, weekly. Established 21 December 1719. Under various changes of title it was continued to 1794.

The New England Courant, weekly. Established 7 August 1721. Lasted till 1726.

The New England Weekly Journal. Established 20 March 1727, and incorporated with *The Boston Gazette* in 1741.

The Boston Post-Boy. Established about 1734 and under various titles continued to 1775.

NEW HAMPSHIRE (Portsmouth):

The New Hampshire Gazette. Established 7 October 1756, and continued to the American Revolution.

NEW YORK:

The New York Gazette. Established about 1725 and continued to 1744, when it was succeeded by *The New York Evening Post.*

The New York Weekly Journal. Established 5 November 1733, by John Peter Zenger. Discontinued in 1751.

The New York Weekly Post Boy. Established 4 January 1743. Title many times changed, and the paper discontinued in 1773.

The New York Evening Post. Established 26 November 1744. Discontinued (probably in 1752).

The New York Mercury. Established 3 or 8 August 1752. Title changed in 1768 to *The New York Gazette and Weekly Mercury*, under which title it continued to be issued to 1783.

Weyman's New York Gazette. Established 19 February 1759. Eventually discontinued in 1767.

NORTH CAROLINA(New Bern):

The North Carolina Gazette. Established 2 May 1755. Said to have continued about six years, but no copy is known of date later than 1759.

SOUTH CAROLINA (Charles Town):

The South Carolina Gazette. Established 8 January 1732. Re-established 1734 and continued with occasional suspensions until 1775. There is a complete file of this paper in the Charleston Public Library.

ST CHRISTOPHER (Basse Terre):

The St. Christopher Gazette. Established in 1747 and continued till after 1775.

VIRGINIA (Williamsburg):

The Virginia Gazette. Established in 1736 and continued with one suspension in 1750 till 1771.

To this list of early colonial newspapers may be added the following compilation that partakes somewhat of the character of a newspaper:

Caribbeana, containing Letters and Dissertations, together with Poetical Essays on Various Subjects and Occasions, chiefly wrote by several Hands in the West Indies. 2 vols. (Usually bound in one.) London, 1741.

This work presents many valuable papers on trade, government, and laws in general, but is chiefly concerned with the British West Indies and with Barbados in particular.

Of some of the newspapers listed above no copies, or only a very few, are known to exist. Complete files of any of the papers are very rare and are to be found in but few libraries. The local historical societies usually have fairly full sets of their own newspapers, but the best general collection is that of the American Antiquarian Society at Worcester, Massachusetts. Occasional copies of newspapers not known to exist elsewhere may be found among the Colonial Office Papers in the Public Record Office.

B. SPECIAL BIBLIOGRAPHIES

I. EXPLORATION AND SEA POWER

1. *EXPLORATION*

(A selection of works on British exploration to 1783, and on foreign discoveries of regions which subsequently became the scenes of British expansion.)

(1) General

(*a*) Collections of Original Narratives:

ASTLEY, T. (Publisher). *A New General Collection of Voyages and Travels.* 4 vols. London, 1745.

DE BRY, THEODOR. *Voyages....*

Many volumes and editions under separate titles, published chiefly at Frankfort-on-Main from 1590 to 1634, the work commenced by Theodor de Bry and continued by Johann Theodor and Johann Israel de Bry. For a guide to the various titles and editions see:

LINDSAY, J. L., Earl of Crawford and Balcarres. *Bibliotheca Lindesiana, Collations and Notes,* No. 3. London, 1884, and:

NEW YORK PUBLIC LIBRARY. *Catalogue of the De Bry Collection of Voyages.* New York, 1904.

CHURCHILL, J. (Publisher). *A Collection of Voyages and Travels.* London, vols. I–IV, 1704; vols. V and VI, 1732.

HAKLUYT, RICHARD. *The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation...within the Compasse of these* 1600 *Yeares.* 1st ed. 1 vol. 1589; 2nd ed. enlarged, 3 vols. 1598–1600; standard modern ed. from text of 1598–1600, published for the Hakluyt Society by Messrs Maclehose, Glasgow, 12 vols. 1903–5; another modern ed. from same text but with omissions, by Messrs Dent, London, 8 vols. 1907; reprinted, with additions, 1926–8.

PINKERTON, J. *A General Collection of Voyages and Travels.* 17 vols. London, 1808.

PURCHAS, SAMUEL. *Hakluytus Posthumus, or Purchas his Pilgrimes.* 4 vols. London, 1625; reprinted for Hakluyt Society by Maclehose, Glasgow. 20 vols. 1905–7, with preface by the late Professor Sir W. Raleigh.

(*b*) Histories:

CROUSE, N. M. *In Quest of the Western Ocean.* London, 1928.

A general sketch of exploration across the North Atlantic and North America, and the search for the North West Passage.

HEAWOOD, E. *A History of Geographical Discovery in the Seventeenth and Eighteenth Centuries.* Cambridge, 1912.

A general history of international scope.

DE LAET, JAN. *Novus Orbis,* Amsterdam, 1633 (in Latin); French translation, 1640.

A general history of exploration to the date of publication. Contains some original material.

(2) World Exploration to 1550

BAXTER, J. P. *A Memoir of Jacques Cartier.* New York, 1906.

BEAZLEY, C. R. *John and Sebastian Cabot.* London, 1898.

—— *The Dawn of Modern Geography.* 3 vols. London and Oxford, 1897, etc.

A survey of the progress of geographical science, with incidental accounts of exploration, to 1420.

BEAZLEY, C. R. (Editor). *The Texts and Versions of John de Plano Carpini and William de Rubruquis.* Hakluyt Society (extra series), 1903.

—— *Prince Henry the Navigator.* London, 1890.

BEAZLEY, C. R. and PRESTAGE, E. (Editors). *The Chronicle of the Discovery and Conquest of Guinea,* by Gomes Eannes de Azurara. Hakluyt Society, 1896.

BIGGAR, H. P. *The Voyages of the Cabots and of the Corte-Reals to North America and Greenland*, 1497–1503. Paris, 1903.

—— *The Precursors of Jacques Cartier*, 1497–1534. Ottawa, 1911.
Contains original texts and translations of documents on the voyages, and corrects some faulty versions previously accepted.

—— *The Voyages of Jacques Cartier*. Ottawa, 1924.
Original texts, annotated.

BIRCH, W. DE G. (Editor). *The Commentaries of the Great Afonso Dalboquerque....* Hakluyt Society, 1875.

CORDIER, H. (Editor). *Cathay and the Way Thither*. Ed. by Sir H. Yule, 1866. Rev. ed. Hakluyt Society, 1913.

GUILLEMARD, F. H. H. *The Life of Ferdinand Magellan and the first Circumnavigation of the Globe*, 1480–1521. London, 1891.

HARRISSE, H. *The Discovery of North America*. London, 1892.
A survey of geographical problems rather than a narrative. Includes an exhaustive catalogue of early maps.

—— *John Cabot the Discoverer of North America and Sebastian his Son*. London, 1896.
Controversial, as are all works on this subject.

JAYNE, K. G. *Vasco da Gama and his Successors*, 1460–1580. London, 1910.

JONES, J. W. (Editor). *Divers Voyages touching the Discovery of America, collected by Richard Hakluyt*, 1582. Hakluyt Society, 1850.

LOWERY, W. *Spanish Settlements within the present limits of the United States*. New York, 1911.
Deals with the period 1513–74.

MAJOR, R. H. (Editor). *Select Letters of Christopher Columbus*. Hakluyt Society, 1870.
Includes other documents.

MARKHAM, Sir C. R. (Editor). *The Journal of Christopher Columbus*. Hakluyt Society, 1892.
The Journal is of the voyage of 1492–3, and the volume includes also documents relating to the voyages of the Cabots.

—— *Life of Christopher Columbus*. London, 1892.
Represents the orthodox view of the career of Columbus.

—— (Editor). *The Letters of Amerigo Vespucci*. Hakluyt Society, 1894.

—— (Editor). *Expeditions into the Valley of the Amazons*, 1539, 1540, 1639. Hakluyt Society, 1859.

—— (Editor). *Early Spanish Voyages to the Strait of Magellan*. Hakluyt Society, 1911.

RAVENSTEIN, E. G. (Editor). *A Journal of the First Voyage of Vasco da Gama*, 1497–9. Hakluyt Society, 1898.

—— *Martin Behaim, the Man and his Globe*. London, 1908.

ROBERTSON, J. A. *Magellan's Voyage round the World*. Cleveland, 1906.
Pigafetta's narrative, with translation.

ROCKHILL, W. W. (Editor). *The Journeys of William of Rubruck and John of Pian de Carpine*. Hakluyt Society, 1900.

RYE, W. B. (Editor). *The Discovery and Conquest of Terra Florida*. Hakluyt Society, 1851.
Narrative of the expedition of Ferdinando de Soto, with additional material.

STANLEY, LORD, of ALDERLEY (Editor). *The Three Voyages of Vasco da Gama* (from Gaspar Correa's *Lendas da India*). Hakluyt Society, 1869.

—— *A Description of the Coasts of East Africa and Malabar* (from the Book of Duarte Barbosa). Hakluyt Society, 1865; rev. ed. by L. Dames, 1918.

—— *The First Voyage round the World by Magellan*, 1518–21. Hakluyt Society, 1874.
Pigafetta's and other accounts.

VIGNAUD, H. *Histoire critique de la grande entreprise de Christophe Colomb*. 3 vols. Paris, 1911.
An elaborate study leading to new conclusions, some of which have been challenged. Cf. BIGGAR, H. P., *The New Columbus*. Washington, 1914.

WILLIAMSON, J. A. *Maritime Enterprise*, 1485–1558. Oxford, 1913.

(3) Attempts to find the North-East and North-West Passages (after 1550)

Asher, G. M. (Editor). *Henry Hudson the Navigator*, 1607–13. Hakluyt Society, 1860.
The documents on Hudson's career.

Barrow, J. (Editor). *The Geography of Hudson's Bay, being the Remarks of Capt. W. Coats in many Voyages to that locality, 1727–51; with extracts from the Log of Captain Middleton on his Voyage for the Discovery of the North West Passage, 1741–3.* Hakluyt Society, 1852.

Beke, C. T. (Editor). *A True Description of Three Voyages to the North East, by Gerrit de Veer*, 1598. Hakluyt Society, 1853; rev. ed. by K. Beynen, 1876.
The Dutch voyages to Spitzbergen and Novaya Zemlya in 1594–6.

Christy, R. M. (Editor). *The Voyages of Captain Luke Foxe and Captain Thomas James.* Hakluyt Society, 1893.
Includes narratives of other early North-West voyages

Collinson, Sir R. (Editor). *The Three Voyages of Sir Martin Frobisher.* Hakluyt Society, 1867.
The Voyages of 1576–8 from George Best's narratives in Hakluyt.

Drage, T. S. *An Account of a Voyage for the Discovery of a North West Passage.* London, 1748.

Golder, F. A. *Bering's Voyages, An Account of the Efforts of the Russians to determine the Relation of Asia and America.* 2 vols. American Geographical Society, New York, 1922–5.
An exhaustive work including contemporary maps and original texts.

Janvier, T. A. *Henry Hudson.* New York, 1909.

Jones, F. *The Life of Sir Martin Frobisher.* London, 1878.

Markham, Sir A. H. (Editor). *The Voyages and Works of John Davis the Navigator.* Hakluyt Society, 1878.

Markham, Sir C. R. (Editor). *The Voyages of William Baffin, 1612–22.* Hakluyt Society, 1880.

—— *The Life of John Davis the Navigator*, 1550–1605. London, 1889.
Contains also accounts of the voyages of Thomas Cavendish, of whom there is no separate biography.

Morgan, E. D. and Coote, C. H. (Editors). *Early Voyages and Travels to Russia and Persia.* Hakluyt Society, 1885.
The North Eastern and Asiatic expeditions promoted by the Muscovy Company from 1553.

Rundall, T. (Editor). *Narratives of Voyages towards the North West, 1496–1631.* Hakluyt Society, 1849.
Still the most convenient authority for the texts of certain narratives.

de Villiers, J. A. J. and Conway, Sir M. (Editors). *Early Dutch and English Voyages to Spitzbergen in the Seventeenth Century.* Hakluyt Society, 1902.

(4) The Exploration of Asia (after 1550)

(A limited selection is given, since the majority of English voyages and travels in this direction comprised a very small element of new exploration.)

Burnell, A. C. and Tiele, P. A. (Editors). *The Voyage of John Huyghen Linschoten to the East Indies.* Hakluyt Society, 1884.
From the English translation of 1598.

Corney, B. (Editor). *The Voyage of Sir Henry Middleton to Bantam and the Maluco Islands.* Hakluyt Society, 1856.
The second expedition sent out by the East India Company, from the original narrative published in 1606.

Fitch, Ralph. "The long, dangerous and memorable voyage of M. Ralph Fitch marchant of London..." (by land to Ormuz, India, Siam, etc. 1583–91). In Hakluyt's *Principal Navigations.*

HUNTER, Sir W. W. *History of British India.* Vol. I. London, 1899.
Gives a survey of early exploration by Europeans in Asia.
MARKHAM, Sir C. R. (Editor). *The Voyages of Sir James Lancaster.* Hakluyt Society, 1877.
Includes material on other early East Indian Voyages.
MORGAN, E. D. and COOTE, C. H. (Editors). *Early Voyages and Travels to Russia and Persia.* Hakluyt Society, 1885.
Includes the journeys of Anthony Jenkinson and others in Central Asia and Persia.
RUNDALL, T. (Editor). *Memorials of the Empire of Japan.* Hakluyt Society, 1850.
Includes the letters of William Adams, the first Englishman to reach Japan, 1611–17.

(5) THE EXPLORATION OF AMERICA (AFTER 1550)

(For South America, works on Guiana only are given.)

BURRAGE, H. S. (Editor). *Early English and French Voyages, chiefly from Hakluyt,* 1534–1608. Original Narratives of Early American History, 1906.
DAVIS, W. W. H. *The Spanish Conquest of New Mexico.* Doylestown, Pa. 1869.
DAWSON, S. E. *The Saint Lawrence Basin and its Border-Lands, being the Story of their Discovery, Exploration and Occupation.* London, 1905.
GOSLING, W. G. *The Life of Sir Humphrey Gilbert.* London, 1911.
GRANT, W. L. (Editor). *The Voyages of Samuel de Champlain,* 1604–18. New York, 1907.
The original narratives translated into English.
HARLOW, V. T. (Editor). *Colonising Expeditions to the West Indies and Guiana,* 1623–67. Hakluyt Society, 1925.
—— (Editor). *Ralegh's Discovery of Guiana.* London, 1928.
An edition of Raleigh's text, with new material from the Spanish archives.
HARRIS, Sir C. A. (Editor). *A Relation of a Voyage to Guiana, by Robert Harcourt,* 1613. Hakluyt Society, 1928.
HEARNE, SAMUEL. *A Journey from Prince of Wales's Fort, in Hudson's Bay, to the Northern Ocean,* 1769–72. Ed. by J. B. Tyrrell. Toronto, 1911.
LESCARBOT, MARC. *The New History of New France, Paris,* 1618, trans. with notes by W. L. Grant, and introduction by H. P. BIGGAR. 3 vols. Toronto, 1907.
MAJOR, R. H. (Editor). *The Historie of Travaile into Virginia Britannia, by William Strachey.* Hakluyt Society, 1849.
MARGRY, PIERRE. *Origines transatlantiques.* Paris, 1863.
Material from French archives on pioneer voyages in the Antilles.
PARKMAN, F. *Pioneers of France in the New World.* Rev. ed. London, 1899.
French explorations to the death of Champlain.
—— *The Jesuits in North America.* Rev. ed. London, 1899.
—— *La Salle and the Discovery of the Great West.* Rev. ed. London, 1899.
SCHOMBURGK, Sir R. H. (Editor). *The Discovery of the Large, Rich and Beautiful Empire of Guiana, by Sir Walter Raleigh,* 1596. Hakluyt Society, 1848.
SMITH, Captain JOHN. *Works,* 1608–31; modern eds. Birmingham, 1884 (ed. E. Arber), and Glasgow, 1907.
STEBBING, W. *The Life of Sir Walter Ralegh.* Oxford, 1899.
For the Elizabethan voyages to the Virginia coast.
TYLER, L. G. *Narratives of Early Virginia,* 1606–25. Original Narratives of Early American History, 1907.
WINSOR, JUSTIN. *Narrative and Critical History of America.* 8 vols. Boston, 1884–9.
Prints much original material on exploration, with critical discussions.
—— *From Cartier to Frontenac: Geographical Discovery in the Interior of North America,* 1534–1700. Boston, 1894.
An excellent general survey.

(6) The Exploration of the Pacific Ocean (after 1550)

Battye, J. S. *Western Australia....* Oxford, 1924.
The first two chapters go fully into the history of the early discovery.

de Brosses, C. *Histoire des Navigations aux Terres Australes.* Paris, 1756.

Callander, J. (Editor). *Terra Australis Cognita.* 3 vols. Edinburgh, 1766.
Narratives of voyages from the sixteenth to the eighteenth century, including some in de Brosses.

Collingridge, G. *The Discovery of Australia.* Sydney, 1895.

Cook, Captain James. *A Journal of a Voyage round the World in His Majesty's Ship Endeavour,* 1768–71. London, 1771.

—— *A Voyage towards the South Pole and round the World,* 1772–5. London, 1777.

Cook, Captain James and King, Captain J. *A Voyage to the Pacific Ocean,* 1776–80. 3 vols. London, 1784.
Vols. I and II by Cook, vol. III by King.

Corbett, Sir J. S. *Drake and the Tudor Navy.* 2 vols. London, 1898.
Vol. I deals with the circumnavigation.

Corney, B. G. (Editor). *The Quest and Occupation of Tahiti.* Hakluyt Society, 1913.
Deals with Spanish expeditions of 1772–6.

Dalrymple, Alexander. *An Historical Collection of the Several Voyages and Discoveries in the South Pacific Ocean.* 2 vols. London, 1790.

Dampier, W. *A Voyage to New Holland in* 1699. London, 1703.

—— *A New Voyage round the World.* 3rd ed. London, 1698; modern ed. by N. M. Penzer with introduction by Sir A. Gray. London, 1927.

Giblin, R. W. *A History of Tasmania.* Vol. I. London, 1928.
Gives a full account of the early expeditions that touched the island.

Hawkesworth, J. *An Account of the Voyages...performed by Commodore Byron.* London, 1773.
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2. *SEA POWER*

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II. COLONIAL POLICY

(Works relating to the internal development of colonies are placed in Section III under the name of the colony concerned.)

1. *GOVERNMENT AND ADMINISTRATION*

(1) CONTEMPORARY WORKS

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—— *A Proposal for the better supplying of Churches in our Foreign Plantations....* Pamphlet, London, 1725.
CHALMERS, G. *An introduction to the history of the revolt of the American colonies.* London, 1782. Never completed. Reprinted in 2 vols. Boston, 1845.

CHAMBERLAYNE, E. *Angliae Notitia or the Present State of England....* London, 1669 sqq.

Irregularly issued in many editions to 1704. Then continued by J. Chamberlayne to 1707, when the title was changed to *Magnae Notitia: or the Present State of Great Britain*, London, 1708, and continued in subsequent editions to No. 38 in two parts, London, 1755.

These volumes with their continuations, the *Royal Kalendar*, the *Court and City Calendar* and other similar calendars and almanacks, are a guide to official England of the time. They contain also entries relating to the personnel of colonial offices. There are fairly complete sets in the British Museum and in the Library of Yale University.

POWNALL, T. *The Administration of the Colonies.* Pt I, London, 1764, 2nd ed. 1765; Pt II, London, 1774.

STOKES, A. *A View of the Constitution of the British colonies in North America and the West Indies....* London, 1783.

Stokes was the chief justice of the province of Georgia, but, except for the illustrative matter printed in the volume, his work has no special significance.

(2) LATER WORKS

ANDREWS, C. M. *British Committees, Commissions and Councils of Trade and Plantations, 1622–1675.* Johns Hopkins University Studies, XXVI, Nos. 1–3, 1908.

—— "The Royal Disallowance." *Proceedings* of the American Antiquarian Society, 1914.

BASYE, A. H. *The Lords Commissioners of Trade and Plantations...1748–1782.* Yale Hist. Publicns. Newhaven, 1925.

BEER, G. L. (*V. sub* Economic Policy, *infra*, p. 859.)

BIEBER, R. *Lords of Trade and Plantations, 1675–1696.* Privately printed, 1919.

—— "British Plantation Councils of 1670–1672." *E.H.R.* vol. XL, January 1925.

This is a study based on the Journal of these Councils, formerly among the Phillips MSS and now in the Library of Congress.

CLARKE, M. P. "The Board of Trade at Work." *E.H.R.* vol. XXVI, October 1911.

DICKERSON, O. M. *American Colonial Government, 1696–1765.* Cleveland, 1912.

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EGERTON, H. E. *A Short History of British Colonial Policy.* 5th ed. London, 1918.

GREENE, E. B. *The Provincial Governor in the English Colonies in North America.* Harvard Historical Studies, VII. Cambridge, Mass. 1898.

A pioneer work in the comparative study of colonial institutions. Based on printed materials and defective in much that concerns the British background, but nevertheless a work of great merit.

GUTTRIDGE, G. H. *The Colonial Policy of William III in America and the West Indies....* Cambridge, 1922.

HAZELTINE, H. D. "Appeals from Colonial Courts to the King in Council, with special reference to Rhode Island." *Report* of American Hist. Assoc. 1894.

HOTBLACK, K. *Chatham's Colonial Policy.* London, 1917.

LABAREE, L. W. "Commissions and Instructions to Royal Governors in America and the West Indies." Unprinted thesis in the Yale University Library, 1926.

This admirable study is the first attempt that has been made to present British governmental policy in the colonies as a whole and comparatively. When completed and published it will deal with all the colonies for the period to 1776.

MCILWAIN, C. H. *The American Revolution: a Constitutional Interpretation.* New York, 1923.

Legalistic. Denies Parliament's right to legislate for the colonies.

PENSON, L. M. *The Colonial Agents of the British West Indies. A study in colonial administration mainly in the eighteenth century.* London, 1924.

ROOT, W. T. "The Lords of Trade and Plantations." *A.H.R.* October 1917.

A useful preliminary study to be read in connection with Bieber's papers.

A definitive history of the personnel and policy of the Lords of Trade has yet to be written.

RUSSELL, E. B. *The Review of American Colonial Legislation by the King in Council.* Columbia University Studies, LXIV, No. 2. New York, 1915.

A careful and fairly complete study based on manuscript material in England, handled with considerable skill.

SCHLESINGER, A. M. "Colonial Appeals to the Privy Council." *Political Science Quarterly*, 1913.

TANNER, E. P. "The Colonial Agent." *Political Science Quarterly*, 1901.

TODD, A. *Parliamentary Government in the British Colonies.* 2nd ed. London, 1894.

WASHBURNE, G. A. *Imperial Control of the Administration of Justice in the Thirteen American Colonies*, 1684–1776. Studies in History, Economics and Public Law. New York, 1923.

2. *ECONOMIC POLICY*

(1) CONTEMPORARY WRITINGS

ANDERSON, A. *An historical and chronological deduction of the origin of Commerce....* 2 vols. London, 1764. Rev. ed. 4 vols. London, 1787–9.

ASHLEY, J. *Memoirs and considerations concerning the trade and revenues of the British colonies in America.* 2 pts. London, 1740–43.

Ashley was a planter and became a member of the Barbados Council in 1732. For his earlier plea for the direct export of sugar to Europe and the pamphlet literature on the sugar question in general *vide* note in F. W. Pitman's *Development of the British West Indies*, pp. 266–70.

BALDWIN, S. *A Survey of the British Customs: containing the rates of merchandise....* London, 1770.

BURKE, E. *The Speeches of the Right Honourable, in the House of Commons....* 4 vols. London, 1816.

CAMPBELL, J. *Candid and Impartial Considerations on the Nature of the Sugar Trade.* London, 1763.

Useful for the comparison between the resources of the British and French Islands.

CARY, J. *An Essay towards regulating the Trade, and Employing the Poor of this kingdom.* London, 1717.

Cary is particularly important for the discussion of the question of employment. He judged the value of the colonies by reference to the amount of employment they stimulated in the Mother Country.

CHALMERS, G. (Editor). *Opinions of Eminent Lawyers on various Points of English Jurisprudence, chiefly concerning the Colonies, Fisheries, and Commerce of Grea Britain.* 2 vols. London, 1814.

CHILD, Sir J. *A new Discourse of Trade.* London, 1694.

This is an enlargement of *Brief Observations* which was published in 1668. The writings of this Governor of the East India Company obviously exercised considerable influence. There are a number of editions of the *New Discourse.* In general Child took a liberal view on the question of trade regulation and was critical of the prevailing notions regarding the balance of trade. But he wished relations with the colonies to be strictly controlled.

COKE, R. *A discourse of Trade....* London, 1670.

Coke thought that the country was annually losing large sums of money because of the lack of men. He declares that the "trade of England, and the fishing trade are so much diminished by how much they might have been supplied by those men who are diverted in our American Plantations".

DAVENANT, C. *The Political and Commercial Works of Charles D'Avenant...Collected and revised by Sir Charles Whitworth.* 5 vols. London, 1771.

Davenant was a voluminous writer on economic subjects. He is definitely more tolerant towards the colonies than his older contemporary, Child.

DECKER, M. *An essay on the causes of the decline of the Foreign Trade....* 2nd ed. Dublin, 1749.

Significant for its advocacy of greater freedom of trade. He remarks "if a Free-Port will gain us those Trades we are naturally capable of, it will appear to be itself the greatest Bounty".

FRANKLIN, B. *The Interest of Great Britain considered with regard to her Colonies and the acquisitions of Canada and Guadaloupe.* London, 1760.

This is a reply to the arguments of those who set a high value on the West Indian islands. Franklin insists on the importance of the development of the continental Colonies.

GEE, J. *The Trade and Navigation of Great Britain considered....* New ed. Glasgow, 1767.

There are many editions of this well-known eighteenth-century commentary on trade. The first was published in London anonymously in 1729. Gee discusses the trade with each country in separate chapters from the point of view of the balance. He is a strong advocate of encouragement to the production in the colonies of such commodities as would free Great Britain from dependence on foreign supplies. Gee was consulted by the Board of Trade, *vide Journal of the Commissioners for Trade and Plantations*, 1714–1718, pp. 210–11, 216–17, 328, 377.

LITTLETON, E. *The Groans of the Plantations.* London, 1689.

Insists on the value of the sugar islands because of the demand of the planters and their slaves for English manufactures.

MACPHERSON, D. *Annals of Commerce, Manufactures, Fisheries, and Navigation....* 4 vols. London, 1805.

MAIR, J. *Book-keeping methodized; or a methodical treatise of Merchant-Accompts....* Edinburgh, 1739. Many later editions, 1741–73.

Has useful descriptions of the tobacco trade in Maryland and Virginia and of the sugar trade in the West Indies. It is based largely on Anderson. (*V. supra*, p. 857.)

MUN, T. *England's Treasure by Forraign Trade....* London, 1664. Reprinted in Reprints of Economic History Classics, No. 1. Oxford, 1928.

Probably written about 1630, but first published by his son in 1664. This treatise enjoyed a great reputation as an exposition of mercantilism.

PETTY, Sir W. *The Petty Papers....* Edited from the Bowood Papers by the Marquis of Lansdowne. 2 vols. London, 1927.

—— *The Economic Writings of Sir William Petty....* Ed. by Charles H. Hull. 2 vols. Cambridge, 1899.

POSTLETHWAYT, M. *Britain's Commercial Interest explained and improved.* 2 vols. London, 1757.

Particularly interesting for discussion of the Trade between the Northern Colonies and the foreign West Indian Islands.

—— *The Universal Dictionary of Trade....* London, 1751.

Useful for such terms as "balance of trade", "naval stores", etc.

SAXBY, H. *The British Customs, containing an historical and practical account of each branch of that part of the revenue....* London, 1757.

SHEFFIELD, Earl of (J. B. Holroyd). *Observations on the Commerce of the American States.* New ed. London, 1784.

Directed against Pitt's Bill to establish commercial relations with the United States, the pamphlet examines the trade which had existed with the colonies. It is well written and produces facts and figures. It ran through a number of editions. That it had an immediate effect is undoubted.

SMITH, A. *An Inquiry into the Nature and Causes of the Wealth of Nations.* 3 vols. London, 1776.

Many editions. The edition prepared by Edwin Cannan, and first published in 1904, is valuable because it is based on the last issued in Adam Smith's lifetime, and is collated with the previous texts. A convenient edition is that in the World's Classics Series, 1904, reprinted 1909, 1913.

TUCKER, J. *A Brief Essay on the advantages and disadvantages which respectively attend France and Great Britain with regard to Trade.* 2nd ed. London, 1750.
Dean Tucker was a critic of the economic conceptions of his time. He here discusses the sugar question with his usual candour.
—— *The True Interest of Britain, set forth in regard to the Colonies...* Philadelphia, 1776.
Tucker here pressed his point that the advantages supposed to arise from the colonial system were a delusion.
WHITWORTH, Sir C. *State of the Trade of Great Britain in its Imports and Exports from* 1697. London, 1776.
A convenient collection of the figures for imports and exports as summarised for each year by the Inspector-General.
WOOD, W. *A Survey of Trade.* London, 1718.
There is little that is original in Wood; he restates the general mercantilist position with respect to population, the colonies, etc.

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3. *WEST AFRICA*

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